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PRINTED FOR W. STRAHAN; AND T. CADELL, IN THE STRAND.
MDCCLXXVII.


Penrith
Appleby is the County Town and sends two Members to Parliament.
Market Towns in Roman, as ..... Orton
Rectories and Vicarages .....
Chapelries .....
Brough
Kirkby Stephen
Orton
Appleby
Kendal
Staveley
Ambleside
Hawkshead
Cartmel
Ulverston
Burton
Kirkby Lonsdale
Tebay
Dent
Sedbergh
Brough Hill
Stainmore Forest
Mallerstang Forest
Langdale Fells
Furness Fells
Whinfell Forest
Martindale Forest
Lambrigg Forest
Morley Moss
Windermere
Coniston Water
Ullswater
Crossfell Mountain
Cross Fell
Wild Boar Fell
Baugh Fell
Hillerton Hill
Kellengham Hill
Tees R.
Eden R.
Lune R.
Ure R.
Swale R.
Greeta R.
Dent R.
Clough R.
Lune or Lune R.
Kent R.
Crake R.
Leven R.
Duddon R.
Rawthey R.
Rawthey Bridge
Sedbergh Bridge
Hawes
Kirkby Stephen
Kirkby Lonsdale
Kirkby Steven
Stainmore Chapel
Mallerstang Chapel
Dent Church
Sedbergh
Tebay
Orton
Appleby
Brough
Kendal
Staveley
Ambleside
Hawkshead
Cartmel
Ulverston
Burton
Kirkby Lonsdale
Penrith
Furness Fells
Langdale Fells
Whinfell Forest
Martindale Forest
Lambrigg Forest
Morley Moss
Windermere
Coniston Water
Ullswater

THE

HISTORY

AND

ANTIQUITIES

OF THE COUNTIES OF

WESTMORLAND AND CUMBERLAND.

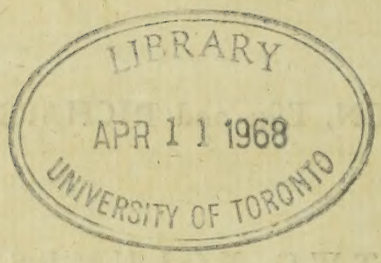
By JOSEPH NICOLSON, Esq; and RICHARD BURN, LL.D

IN TWO VOLUMES.

VOL. I.

LONDON:
PRINTED FOR W. STRAHAN; AND T. CADELL, IN THE STRAND.
MDCCLXXVII.

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PREFACE.

VARIOUS collections have been made from time to time by inquiſitive and learned men, concerning the hiſtory and antiquities of the Counties of Weſtmorland and Cumberland, ſome with an intention of publication, others to gratify private curioſity.

By the favour of the preſent proprietors, theſe are now collected, digeſted, and offered to the public view: it being judged more eligible that the following work ſhould come abroad in its preſent ſtate, however imperfect, than to wait for further information, whilſt the preſent materials are periſhing.

The right reverend Dr. WILLIAM NICOLSON lord biſhop of Carliſle (whom we mention in the firſt place) made a collection of materials towards a general hiſtory of the ſaid two counties; conſiſting of, 1. A topographical deſcription and hiſtory of the county of Cumberland. 2. A collection from books, manuſcripts, and records for an hiſtory of the biſhops, priors, deans, and chapter of Carliſle. 3. Collections for a monaſticon of the ſaid dioceſe. 4. Hiſtory of all the rectories and vicarages in the dioceſe of Carliſle, extracted chiefly from the regiſters of the ſeveral biſhops at Roſe. 5. Miſcellany account of the ſtate of the churches, parſonage and vicarage houſes, and other things remarkable, in the ſeveral pariſhes within the dioceſe of Carliſle, taken in his parochial viſitation in the year 1703. All theſe are now at Hawkſdale in the poſſeſſion of his nephew Joſeph Nicolſon eſquire. Tranſcripts of ſeveral of theſe in four folio volumes, the ſaid learned prelate cauſed to be depoſited in the library of the dean and chapter of Carliſle.

Towards the eccleſiaſtical part of ſo much of the two counties as lies within the dioceſe of Cheſter, we have received aſſiſtance from biſhop GASTRELL's manuſcript account of the ſaid dioceſe of Cheſter, with continuations by the late commiſſary STRATFORD: Now in the poſſeſſion of Mr. James Collinſon of Lancaſter.

Mr. JOHN DENTON of Cardew made large extracts from the Eſcheators books for Cumberland, and from the records in the Tower and other public offices; containing accounts of fines levied, pleas of lands, inquiſitions *poſt mortem*, grants of fairs and markets, parks, free warren, and many other particulars. Copies of which extracts are now at Rydal hall, in the poſſeſſion of Sir Michael le Fleming baronet. From the ſaid extracts Mr. Denton compiled his manuſcript hiſtory of Cumberland, which is in ſeveral hands.

Sir DANIEL FLEMING of Rydal baronet, great grandfather of the ſaid Sir Michael, made very large collections relating to both counties; and from his family evidences, which have been accumulating almoſt ever ſince the conqueſt, he formed a manuſcript hiſtory of his own family (and incidentally of divers other families) in two volumes quarto. Amongſt his other collections (beſides the aboveſaid copies from Mr. Denton) are many pedigrees of ancient families, marriage ſettlements, inquiſitions *poſt mortem*, extracts from the records at London and from the Bodleian library at Oxford, and decrees in courts of equity on matters ariſing within the ſaid two counties. He alſo writ a ſmall manuſcript hiſtory of Weſtmorland; one copy whereof is at Rydal, and another in the ſaid Bodleian library.

The right honourable ANNE counteſs dowager of PEMBROKE, DORSET, and MONTGOMERY, at a vaſt expence, procured from all the publick offices copies of every thing that could be found relating to any of her anceſtors the Veteriponts and Cliffords, lords of Weſtmorland and hereditary ſheriffs of the ſame; and cauſed the ſaid copies to be ingroſſed in three large folio volumes, and lodged in her caſtle at Appleby, where they now remain. In making this collection, ſhe employed that learned antiquary Mr. Roger Dodſworth, who left a large collection of manuſcripts to the univerſity of Oxford. From theſe records ſhe cauſed to be compiled an hiſtory of her anceſtors, from the firſt Robert de Veteripont in the reign of king John, down to her own time: In the digeſting of which memoirs ſhe employed that great and learned lawyer Mr. *Hale*, afterwards lord chief juſtice.

The reverend THOMAS MACHEL, M. A. ſometime fellow of Queen's College in Oxford, and rector of Kirkby Thore, from his firſt entrance in the univerſity to the day of his death, employed himſelf with unwearied aſſiduity in collecting materials for an hiſtory of Weſtmorland; and as his collections multiplied, an hiſtory alſo of

Cumberland. At his death, he left his collection to the aforeſaid biſhop Nicolſon, with a requeſt (if it might eaſily be done) that his papers ſhould be put into form and publiſhed. This collection, the biſhop ſays in a prefatory introduction, was all in looſe papers; and ſo imperfect and indigeſted, that he could not think of compleating the deſign. But he gathered all the ſcattered fragments together, and bound them up in ſix volumes in folio, and lodged the ſame in the library of the dean and chapter of Carliſle, that they might be made uſe of, if any perſon afterwards ſhould undertake an hiſtory of the ſaid two counties. This collection of Mr. Machel conſiſts, firſt, of extracts from the evidences at Appleby caſtle and at Skipton caſtle (another ſeignory belonging to the lords of Weſtmorland). Next, Mr. Machel by himſelf, and by divers amanuenſes, made many extracts from the records in the Rolls chapel and in the Tower; unto which he had free acceſs by the friendſhip of Sir Joſeph Williamſon, ſecretary of ſtate, who had formerly been fellow of the aforeſaid college. He alſo made extracts from the private evidences of ſeveral ancient families; which extracts are become more valuable, as many of the originals are now loſt. Mr. Machel had alſo conſulted the records in the heralds office, and the ſeparate collections of ſeveral particular heralds, and eſpecially of Sir William Dugdale his intimate friend. It was uſual in ancient time for the heralds to perambulate the ſeveral counties at certain intervals, where they received and examined the pedigrees of the ſeveral families, approved the genuine, rejected the ſpurious, and reſpited the doubtful for further conſideration, blazoned their arms, granted new bearings to new families, or new marks of diſtinction to different branches of the ſame ancient family. The laſt viſitation of that kind in Weſtmorland and Cumberland was made by the ſame Sir William Dugdale in the years 1664 and 1665; and Mr. Machel received copies from him of all the particulars. But above all, the ſaid Sir William Dugdale had made a collection in 62 volumes in folio and quarto of matters relating to different parts of the kingdom. From thence Mr. Machel hath copied all that related to the ſaid two counties.

The reverend HUGH TODD, D. D. vicar of Penrith and prebendary of Carliſle, compoſed an hiſtorical deſcription of the dioceſe of Carliſle, in a large folio manuſcript, and intended the ſame for publication, but was prevented by the moſt obvious of all reaſons, namely, waiting for further materials. Hence it hath happened, that there is no account in his manuſcript from what fountains he derived his information: and in fact, many of his accounts, when compared with

the records of ancient times, appear to have wanted a reconſideration. Nevertheleſs, he was a gentleman of ability and learning, and there are many things in his collection both curious and inſtructive. Copies of this work are in ſeveral hands.

Sir THOMAS CARLETON of Carleton hall made divers extracts from the public offices relating to Cumberland and Weſtmorland, and writ large notes on ſome of Mr. Denton's extracts; and particularly, there is a large and curious collection of letters, which he ſays were found in the library at Carleton hall after his grandfather's death, relating to the Border ſervice, during the time that lord Dacre was warden of the Weſt Marches in the reign of king Edward the ſixth: Which particulars make part of the valuable collection at Rydal hall.

CHRISTOPHER RAWLINSON of Cark hall in the county of Lancaſter eſquire left a large collection of manuſcripts, in which are many particulars relating to the counties of Weſtmorland and Cumberland: Copies of theſe alſo are at Rydal.

JAMES BIRD of Brougham eſquire, who had been ſteward at Appleby caſtle, made a collection in alphabetical order of matters relating to the ſeveral townſhips or manors in Weſtmorland holden of the ſaid caſtle, from the ſame materials which Mr. Machel had made uſe of before: And there are in Mr. Bird's collection ſome inquiſitions and other evidences, which had not fallen under Mr. Machel's inſpection. This Mr. Bird appears to have had a moſt ample repoſitory of old evidences; but after the ſtricteſt inquiry, nothing hath been found now remaining, ſave only the above mentioned alphabetical digeſt, preſerved from oblivion by the aforeſaid Sir Daniel Fleming.

To all theſe we may add the original CHARTULARIES of the ſeveral religious houſes of HOLME CULTRAM, WETHERAL, and LANERCOST; the firſt of theſe at Hawkſdale, the ſecond in the library of the dean and chapter of Carliſle, and the third at Naward caſtle belonging to the right honourable the earl of Carliſle. As alſo the *Regiſters* of the ſeveral biſhops of Carliſle at Roſe, from the year 1293 to the preſent time, but with ſeveral intermiſſions, eſpecially during the long and dreadful conteſt between the two houſes of York and Lancaſter: Theſe eccleſiaſtical Regiſters are extremely uſeful even on a temporal account, in helping to rectify the heraldic pedigrees of ancient families; for as moſt of the great men were patrons of advowſons,

ſons, the hiſtory of the incumbents helps to elucidate the ſucceſſion of their patrons.

But our greateſt curioſity is a folio manuſcript (at Hawkſdale) of RICHARD BELL in the reign of queen Elizabeth warden clerk of the Weſt Marches of England over againſt Scotland; which, above all our other materials, affords the fulleſt and moſt ſatisfactory account of the ancient ſtate of the Borders, and conſequently of that remarkable and extraordinary tenure of Border ſervice, with which the cuſtoms of every manor throughout both the counties are moſt intimately connected.

It would be tedious to recount all the aſſiſtances we have been favoured with from individuals: Theſe will more properly be noticed in their reſpective places.

INTRO-

INTRODUCTORY DISCOURSE

OF THE

ANCIENT STATE OF THE BORDERS.

THE hiſtory of the two counties of WESTMORLAND and CUMBERLAND is ſo connected with the Border laws and ſervice againſt Scotland, that ſome account thereof ſeems to be neceſſary, before we come to treat of the particular places in each county. Nor will it, we truſt, be uſeleſs; ſince it will exhibit to us, as it were in a mirror, the miſerable ſtate of our anceſtors in theſe parts, and incline us to reflect with gratitude on the ineſtimable bleſſing of the union of the two kingdoms under one monarch and government. And of this we will treat in the order following:

CH. I. *Of the commencement of Border ſervice; with the authority and power of the lord warden of the Marches.*

CH. II. *Of the Border laws.*

CH. III. *Of the manner of keeping warden courts.*

CH. IV. *Of the ſtate of the Borders from the reign of king* Edward *the firſt to the reign of king* Richard *the ſecond inclusive.*

CH. V. *Of the ſtate of the Borders from the reign of king* Richard *the ſecond to the reign of king* Henry *the eighth.*

CH. VI. *Of the ſtate of the Borders during the reign of king* Henry *the eighth.*

CH. VII. *Of the ſtate of the Borders during the reign of king* Edward *the ſixth.*

CH. VIII. *Of the ſtate of the Borders during the reigns of queen* Mary *and queen* Elizabeth.

CH. IX. *Of the ſtate of the Borders during the reign of king* James *the firſt.*

CH. X. *Of the ſtate of the Borders from the reign of king* James *the firſt to the preſent time.*

CHAP-

CHAPTER I.

Of the commencement of Border ſervice; with the authority and power of the lord warden of the marches.

THERE ſeems to be no doubt but that the Border ſervice againſt the Scots, as diſtinct from the general military ſervice throughout the kingdom, is as ancient as the diſtribution of the ſeveral ſeigniories and manors amongſt the Norman adventurers by William the Conqueror or his grantee Ranulph de Meſchiens. And the tenants of the ſeveral manors were obliged all along, upon firing of beacons or other warning, to attend their lord in the ſervice of the Borders at their own expence; which attendance might be prolonged for forty days. And according to the value of their reſpective tenements, ſome were obliged to ſerve on horſeback, and others on foot, with their proper accoutrements. Hence there were *nag tenements* and *foot tenements*; the owners whereof were obliged to furniſh their ſtipulated number reſpectively, on pain of forfeiting their eſtate to the lord. Within the manor of *Bewcaſtle* in particular, they ſeem to have been all *nag tenements*; for in the reſervation of an heriot to the lord upon the death of the tenant, there is an exception of the riding horſe of every ſuch tenant, kept by him for the lord's ſervice, according to ancient cuſtom.

But the regulation of the Borders by diſtinct laws, under the rule of lords wardens of the marches, ſeems to have commenced in the reign of king Edward the firſt of England, at the time when he affected the ſovereignty over Scotland. Hoſtilities then became inveterate. The Scots ill brooked a claim, frivolous in itſelf, and ſupported by violence. Happy indeed had it been for both kingdoms, if Edward, bad as his cauſe was, had finally prevailed. It would have ſpared much blood, treaſure, miſery, and deſolation which enſued; and, as experience hath at length inſtructed us, inſtead of two jealous, wrangling, contentious neighbours, diſtinguiſhed by no natural boundary, would have made us many ages ſooner, one great, opulent, and flouriſhing kingdom.

The firſt lord warden of the marches, of whom we have had any authentic account, was *Robert de Clifford* lord of Weſtmorland, and hereditary ſheriff of the ſame; of whom the counteſs of Pembroke's memoirs take notice, that "in the 25th year of king Edward the firſt, viz. 1296, the ſaid Robert, "being then about 23 years of age, was made the king's captain and keeper "of the Marches in the north towards Scotland;"—which was the very year in which Edward ſubdued that kingdom. And in the 27th year of the ſame king, amongſt the records of writs, there is a letter of requeſt from Robert de Clifford captain of the counties of Cumberland, Weſtmorland, and Lancaſtre, to the treaſurer and barons of the exchequer, deſiring them to excuſe Sir William de Molecaſtre, Sir Thomas de Felton, Robert de Molecaſtre, and Richard de Molecaſtre, from appearing in the court of exchequer according to their ſummons, by reaſon of their attendance upon him, in aid and defence of the Marches: Dated at Lockmaben, July 4, in that year †.

'Tis

† Trin. 26 and 27 Ed. 1. Rot. 29. b.

'Tis true there is an account of laws made by commiſſioners of both kingdoms for the Borders, of an earlier date, namely in the year 1249, which was the 33 Hen. 3. purporting to be laws of March, made and recognized by the ſheriff of Northumberland on the part of the king of England, and the ſheriff of Berwick and Roxbrough on the part of the king of Scotland, upon the oaths of 12 knights of England, and 12 knights of Scotland. But this ſeems to have been a manifeſt forgery of the Scots; not only becauſe the names neither of the kings nor of the ſheriffs are ſet forth (which yet affords ſome argument of ſuſpicion), but chiefly becauſe Robert de Clifford is the firſt knight mentioned on the Engliſh ſide; and this was juſt five and twenty years before Robert de Clifford was born. Edward, it is well known, deſtroyed all the public records of Scotland; and hence it is not unaccountable, that the Scots (though their cauſe needed no ſuch helps) might contrive this inſtrument to ſhew, that before the time of Ed. 1. they treated with England upon equal terms, as a ſovereign and independent kingdom. The laws differ not much from ſeveral bodies of laws that followed afterwards. The preamble to the ſame runs thus:

Anno gratiæ milleſimo ducenteſimo quadrageſimo nono, ad feſtum ſanctorum Tiburtii *et* Valeriani, *ad leges Marchiarum condendas et obſervandas convenerunt ad Marchias, vicecomes* Northumbriæ *ex parte domini regis* Angliæ, *et vicecomes de* Bervico *et* Roxbrugh *ex parte domini regis* Scotiæ, *ad recognoſcendas leges et conſuetudines Marchiarum, per duodecim milites* Angliæ, *et duodecim milites* Scotiæ *firmiter juratos. Et hæc ſunt nomina militum regis* Angliæ.

Robertus *de* Clifford	*Milites* Angliæ.
Robertus *filius* Radulphi	
Robertus Malefante	
Robertus *de* Ulfeſter	
Willielmus *de* Burnvile	
Willielmus *de* Scremeſton	
Willielmus *de* Herington	
Robertus *de* Glendale	
Sampſon *de* Coupland	
Willielmus *de* Cookperte	
Henricus *filius* Godfridi	
Adam de Earth	*Milites* Scotiæ †.
Radulphus de Boucle	
Willielmus de Nothinton	
Robertus Bernham major de Berwick	
Adam de Norham	
Henricus filius Walden	
Henricus de Brade	
Richardus Holkerton	
Robertus de Durham	
Aymerus de Emſley	
Adam de Newbiggin	

† Nicolſon's Border Laws, p. 1.

To the other ſuſpicions of forgery we may add, that not one of the names of the Engliſh knights, except Robert de Clifford only, is to be found (ſo far as we can recollect) in any authentic inſtrument of thoſe times. (Of the Scots we have not ſufficient knowledge to pronounce with ſo much certainty.) And inſtead of twelve knights, as above expreſſed, here are only eleven mentioned on each ſide.

Note, The word *March* is not derived, as many have ſuppoſed, from the hoſtile ſituation of the place, where parties were conſtantly or frequently *marching* to and fro; but it is a genuine old Engliſh word ſignifying boundary. So the Germans uſe the word *Margrave*, *marchiarum comes*, to denote the governor of a diſtrict. So in a like ſignification we uſe the word *landmark*.

The power of the lords wardens of the Marches was not always exactly the ſame, but varied in different reigns according to circumſtances, ſome being more limited in their commiſſions than others; but their power in general was of neceſſity very great. This will beſt appear from the general tenor of their commiſſion, which was as followeth:

"ELIZABETH by the grace of God of England, France, and Ireland queen, defender of the faith, and ſo forth: To all to whom theſe preſents ſhall come, greeting. Know ye, that we, of our ſpecial grace, certain knowledge, and mere motion, fully truſting and having ſpecial confidence in the fidelity, valour, diſcretion, and provident circumſpection, of our truſty and well beloved Henry lord Scroope of Bolton, by the advice of our council, have conſtituted and appointed and by theſe preſents do conſtitute and appoint him the ſaid lord Scroope our keeper or warden and governor general of the Weſt Marches of our kingdom of England againſt the parts of Scotland, and captain of our city of Carliſle, and head ſteward of all our lordſhips, manors, lands, and tenements within the Weſt Marches aforeſaid: Giving and granting to the ſaid lord Scroope full power and ſpecial commandment to do and execute all and every thing which therein doth appertain to the office of warden and keeper aforeſaid, as heretofore by authority as well of the lord Richard the ſecond late king of England, as alſo of Henry the fourth, Henry the fifth, Henry the ſixth, Edward the fourth, Richard the third, Henry the ſeventh, Henry the eighth, our moſt dearly beloved brother Edward the ſixth late king of England, and our deareſt ſiſter Mary late queen of England, in this behalf hath reaſonably been uſed and accuſtomed to be done:

And all and every thing, by whatſoever our lieges and ſubjects, as well our officers as others, againſt the form of whatſoever trewes between us or our keepers or commiſſioners lawfully authorized and the commiſſioners of Scotland alſo lawfully authorized, concluded or to be concluded according to the form of the ſame trewes, to correct, reform, and amend; and the offences in that behalf, according to their deſervings, as well by impriſonment of their bodies, as by diſtreſſes of their lands and tenements, goods and chattels, whereſoever they ſhall be found, as well within liberties as without, to chaſtiſe and puniſh:

And

And alſo to take cognizance of all plaints, pleas, and debates, as well in impriſonments, ſpoils, and reifs, as other whatſoever hoſtile acts, there moved or to be moved, and the ſame to hear and determine:

And alſo to hold warden courts and ſeſſions in whatſoever places of the Weſt Marches aforeſaid, as well within liberties as without, to inquire of whatſoever perſons offending againſt the form of the trewes or ordinances made or to be made by our commiſſioners and the commiſſioners of the realm of Scotland, and them according to the quantity of their offence to correct, and as well in their goods as in their perſons to puniſh, as to the ſaid lord Scroope or his deputy in that behalf, for the preſervation of the ſaid trewes and ordinances, and the ſafety of our Marches aforeſaid ſhall ſeem expedient:

And whatſoever ſums of money or other obligations, which for the breach of ſuch trewes and ordinances any of the officers aforeſaid ſhall incur, to levy and by his deputies and miniſters cauſe to be levied; and whatſoever perſons who ſhall in the execution aforeſaid be diſobedient or refuſe to obey, to chaſtiſe and puniſh, by all ways and means which to the ſaid lord Scroope ſhall ſeem expedient; or otherwiſe, if any perſiſt in their diſobedience, to certify to us and our council, to the end we may provide and give indelayedly equal remedy:

Alſo we have aſſigned the ſaid lord Scroope to inquire of all and every perſon and perſons, who ſhall preſume or take upon them any practices with our enemies, in prejudice of our realm, howſoever or by whatſoever colour the ſame ſhall be done; and the ſame perſons accordingly, and our traytors whatſoever in this behalf offending, conforme to their demerits, to chaſtiſe and puniſh:

And alſo the ſaid plaints, pleas, and debates to hear, diſcuſs, and duly to end and determine, according to the law and cuſtom of the parts of the Marches and dominions aforeſaid:

And alſo, at the coſts of our liege ſubjects of thoſe parts, by their own aſſent and good will as heretofore hath been reaſonably done, to ſet and appoint watchmen and others to explore and give notice to us and our faithful ſubjects for the defence of us and our realm, againſt the hoſtile incurſions of our enemies of Scotland, if any ſhall be made againſt us, our realm, or our faithful ſubjects:

And for the ſafety and defence of our town and caſtle of Berwick and our city of Carliſle, ſo often as any aſſault or ſiege of the ſaid town and caſtle or city ſhall be propoſed or made by the Scots or any other our enemies, all fencible men between the ages of ſixteen and ſixty within the ſaid Marches to cauſe to be muſtered; and all men at arms, armed billmen, and archers, every of them according to their eſtate, degree, and condition, to be armed and defended with fit and competent armour; and to be marſhalled in thouſands, hundreds, and twenties; and the ſame ſo arrayed and appointed to be holden and kept, ſo as all men at arms, armed billmen and archers, be ready and prepared to march to the defence and ſafe-keeping of our town and caſtle of Berwick, or our city of Carliſle aforeſaid, ſo often as any peril, aſſault, or

ſiege, by the incurſions of our enemies ſhall happen to be; and to be compelled upon ſummons or warning of the ſaid lord warden or his deputy, in our name and behalf, to proceed, march, and be led, remain, and continue, for the defence of our Marches aforeſaid, and our realm and faithful ſubjects, and the reſcue, defence, and ſafe cuſtody of the town, caſtle, and city aforeſaid, by impriſonment of their bodies, and by other ways and means as to the ſaid lord warden or his deputy reſpectively ſhall ſeem expedient.

And we give and grant to the ſaid lord Scroope and his deputy or deputies in this behalf, full power and authority for us and in our name to appoint, conclude, and agree upon abſtinences of war between us our lieges and ſubjects, and the governors, miniſters, and ſubjects of the realm of Scotland, from week to week, from two weeks to two weeks, from three weeks to three weeks, and from month or months to month or months.

And furthermore, that the ſaid lord Scroope may be the better enabled to execute the ſaid office and every thing thereunto appertaining, we will and by theſe preſents do give and grant to the ſaid lord Scroope power and authority to name and aſſign, make, ordain, and ſubſtitute under him in the ſaid office of wardenſhip two deputies or ſubſtitutes, and alſo two other officers under him called warden ſerjeants, and alſo all and all manner of other miniſters and officers under him neceſſary and expedient to the ſaid office or for the exerciſe of the ſame and all and ſingular the premiſſes in his place and ſtead to be done and executed, which by the keepers or wardens of the Weſt Marches aforeſaid from time to time have been accuſtomed to be done, as to him ſhall be thought expedient: Ratifying and confirming hereby all and every thing by the ſaid lord Scroope, his deputies or ſubſtitutes, in form aforeſaid to be done in the premiſſes or any part thereof.

To have and to hold, occupy and enjoy, the office of keeper or wardenſhip aforeſaid, and all and ſingular the premiſſes above expreſſed and ſpecified, with their appurtenances, liberties, commodities, advantages, profits, and all other appendages, to the ſaid lord Scroope, his deputy or deputies, ſubſtitute or ſubſtitutes, in as ample manner and form in all things, as any other perſon or perſons before this time have had or received, from the feaſt of the Annunciation of the bleſſed virgin Mary laſt paſt, ſo long as it ſhall pleaſe us.

And further we grant to the ſaid lord Scroope, for the exerciſe of the office of wardenſhip aforeſaid; ſo long as in that office he ſhall remain, the fee and wages of 600 marks by the year, for himſelf, and for his two deputies aforeſaid under him in the ſaid office of the Weſt Marches aforeſaid, that is to ſay, for either of them by the year 10*l*, and alſo for the ſaid two officers called warden ſerjeants of the Weſt Marches, for either of them yearly 40*s*, during our pleaſure aforeſaid; to be paid at the feaſts of St. Michael the archangel and the Annunciation of the bleſſed virgin Mary, by equal portions, out of our treaſury, at the receipt of our exchequer at Weſtminſter, by the hands of the treaſurer and chamberlain there for the time being.

And further we command all and ſingular our miniſters, lieges, and ſubjects whatſoever, that in the execution of all and every the premiſſes to the aforeſaid lord Scroope, and alſo to his deputies and miniſters whatſoever, from time

to

to time, they be helping, obedient, and conforming in all things as appertaineth.

In witneſs whereof, we have cauſed theſe our letters to be made patent. Witneſs ourſelf at Weſtminſter the ſixth day of April in the fifth year of our reign."

CHAPTER II.

Of the Border laws.

THE Border laws, agreed upon by commiſſioners of both kingdoms ſpecially appointed, received many alterations from time to time; which to ſet forth in the order as they were made, would cauſe frequent repetitions, and would be withal perplexing; it is therefore thought fit to reduce the ſame into one regular uniform code as followeth.

Wardens oaths of office.

1. The wardens yearly at the firſt day of Trewes after Midſummer, to be holden within four days at the furtheſt after the ſaid feaſt, ſhall ſhew their commiſſions either of them to other interchangeably; and give and receive reciprocally their ſolemn oath, in preſence of the inhabitants of both the Marches, and ſwear by the high God that reigneth above all kings and realms, and to whom all chriſtians owe obedience, That he ſhall, in the name of God, do, exerciſe, and uſe his office, without reſpect of perſon, malice, favour, or affection, diligently and undelayedly, according to his vocation and charge that he beareth under God and his prince; and ſhall do juſtice upon all complaints preſented unto him, upon every perſon complained upon under his rule; and that, when any complaint is referred unto him, to ſwear, ſpeir, and deliver upon his honour, he ſhall ſearch, inquire, and redreſs the ſame at his uttermoſt power; and that, if it ſhall happen him in ſo doing to acquit and abſolve the perſons complained upon as clean and innocent, yet if he ſhall any ways get ſure knowledge of the very offender, he ſhall declare him foul of the offence, and make lawful redreſs and delivery thereof, albeit the very offender be not named in the complaint.

And all ſuch perſons as ſhall be adjoined to the ſaid wardens, or be choſen upon any inqueſt for the trying complaints, ſhall make in like manner one ſolemn oath for the due execution of their duties.

Aſſiſtant council to the wardens.

2. And for prevention of ſuch great enormities and miſchiefs as have frequently undone the Borders, and diſquieted the peace between the realms, the ſovereigns on either ſide ſhall in all humility be intreated, to chuſe and eſtabliſh a council in every Marche, of the moſt ſufficient and diſcreet borderers inhabiting the bounds thereof, who ſhall conveen twice in the year, for ſuch effect and at ſuch time and place, as by the particular commiſſioners ſhall be appointed unto them. Which Border council as aforeſaid, at their conveenings and meetings, ſhall make diligent inquiry and trial of all notorious thieves and robbers within their wardenry; and ſuch as they find to be of that quality,

quality, they ſhall inrol them under their hands, and deliver a copy of the ſame unto their warden; who ſhall, upon the firſt attempt that ſhall be truly tried and fouled * upon any of them hereafter, put the ſaid offender immediately to death; or, in caſe he be fugitive, ſhall cauſe him to be proclaimed ſuch, according to the order and cuſtom of the Borders, and his houſe immediately to be demoliſhed and deſtroyed, that it ſerve him no more for receipt within that wardenry.

Murder.

3. If any ſubject or ſubjects of the kingdom of England do violently kill any ſubject or ſubjects of the kingdom of Scotland, the warden of the marches of the kingdom of England aforeſaid, or his deputy or deputies, with all care and diligence, all fraud, favour, male-engine, and guile ſet apart, ſhall proſecute (and every of them ſhall follow and proſecute) that ſuch murderer or murderers may be taken and brought by the wardens of both Marches or their deputies to the day of Trewes, to be aſſigned by the ſaid wardens; where if he or they be lawfully convicted by the laws of Marche, then the warden of the marches of England ſhall deliver or cauſe to be delivered ſuch murderer or murderers ſo convicted, to the warden of the Marches of Scotland, to be puniſhed by death.

And if it happen any ſubject or ſubjects of the realm of Scotland violently to kill any ſubject or ſubjects of the realm of England, within the Marches of England or the Marches of Scotland, the warden of the Marches of Scotland aforeſaid, or his deputy or deputies, with all care and diligence, all fraud, favour, male-engine, and guile ſet apart, ſhall follow (and every of them ſhall follow and proſecute) that ſuch murderer and murderers may be taken, and that they may be brought by the wardens of both the Marches, or their deputies, to the day of Trewes, by the ſaid wardens or their deputies to be appointed: Where if by the laws of March he or they be lawfully convicted, then the warden of the Marches of Scotland ſhall deliver or cauſe to be delivered ſuch murderer or murderers as aboveſaid, ſo convicted, to the warden of England; which warden of England, the ſaid murderer or murderers, ſo as aboveſaid convicted, aſſigned, and delivered as a murderer, ſhall puniſh by death.

And the wardens ſhall do juſtice therein preciſely within fifteen days after they ſhall be required thereto by their oppoſites, under the pain of 10*l* ſterling, to be paid by the warden making default, to the party grieved, for every month during his delay of juſtice.

Wovnd'ng or maiming.

4. If any of the ſubjects of either realm ſhall unlawfully bodily hurt or wound any of the ſubjects of the other realm, the perſon or perſons ſo hurt or wounded ſhall make a bill of complaint upon the perſon ſo offending at the days of Trewes; and the party offender to be arreſted to anſwer ſuch bill, and be compelled to anſwer thereto after like manner as is uſed for robbers, thieves,

* Fouled] This word is promiſcuouſly written *fouled* or *fyled*. *Foul* and *clean* are ſynonymous with *Guilty* and *Not Guilty*.

and ſpoilers; and ſuch like proof and trial to be had, in every behalf, until either the bill be acquitted or fouled; and the damage thereof to be ſet down by ſix gentlemen of worſhip and good name of Scotland to be named by the warden of England, and other ſix like gentlemen of England to be named by the warden of Scotland, and by the diſcretion of both the wardens or their deputies then being preſent; and the damage ſo being ſet and eſteemed, to be two doubles *, as in caſe of theft and ſpoil is uſed; and deliverance to be made to the warden of the Marche where the party grieved inhabiteth, to be kept with him until redreſs be made thereof accordingly.

And if the party ſo hurt and wounded be mutilate and maimed, the warden where the offender inhabiteth ſhall be bound thereby to do his uttermoſt diligence, without fraud, favour, or deception, to apprehend the ſaid offender, and deliver him to the warden of the oppoſite Marche, to be puniſhed by him in ſtrayte priſon by the ſpace of ſix months for the ſame offence.

5. If any of the ſubjects of either of the ſaid realms ſhall wilfully or maliciouſly raiſe fire within the other oppoſite realm, in burning of houſes, corn, or hay in ſtacks; the perſon or perſons ſo offending, being lawfully thereupon fouled, ſhall not only anſwer to the other party thereby, to all his damages cauſed by the ſaid fire, with a double and *jawſey* [the Scotch copy ſays, with a double of all his damages] according to the laws and cuſtoms uſed in the Borders of both realms, but alſo the warden of the Marches where ſuch offender or offenders do inhabit, ſhall do his uttermoſt diligence, without fraud, favour, or deceit, to apprehend ſuch offenders, and to deliver him or them to the warden of the Marche where the offence was done, to be grievouſly puniſhed by the ſpace of ſix months, over and above the redreſs and ſatisfaction of the party grieved. Fire raiſing.

6. For maſterful and violent theft and reife, by night or day, and for ſecret ſtealing wherewith is joined either bodily hurt of men, women, and children, or violent reſiſtance againſt the followers in hot and freſh purſuit of their goods; it is ordered, that beſides the ordinary redreſs to be made of the goods, any one of the offenders, whom the complainant ſhall chuſe, ſhall be delivered to the oppoſite warden, to be puniſhed at his diſcretion, according to the quality of the offence. Violent theft.

7. If it fall out, that any deadly feud be born againſt any of the oppoſite realm, for executing of any thief by juſtice, or killing him with red-hand where he findeth him ſtealing or clad with ſtolen goods, or for purſuing him to death by whatſoever lawful means; the warden to whoſe office he appertaineth, upon ſignification made to him of the ſaid feud, ſhall apprehend the ſaid party ſo bearing feud, and either cauſe him preſently to renounce the ſaid feud by writing under his hand, or ſhall deliver him to the oppoſite warden, Deadly feud.

* That is, fourfold (according to the Jewiſh law of reſtitution).

den, to be kept by him until he have renounced the ſaid feud as aforeſaid, and found ſurety to that effect to the content of the party complainant.

Cutting down trees.

8. Foraſmuch as the inhabitants of the Marches aforeſaid, with great numbers of men, have been accuſtomed to cut down other mens trees, and to carry them away, to the uſe of their houſes, without the good-will and conſent of the owner thereof, which hath been a matter of diſſenſion and diſcord upon the Borders; therefore to remove all occaſions of contention, it is concluded, that no ſubject of the princes aforeſaid, dwelling either in the Marches aforeſaid, or in the *Debateable Ground*, or in any other place elſewhere, ſhall commit or do ſuch or the like things, or ſhall conſent to be done or committed; nor ſhall cut down or carry away any trees or wood whatſoever, out of the Marches of either prince, by any means or colour, except that he or they have covenanted and agreed with the owner thereof for the ſame; and if any thing hath been done or committed contrary to the premiſſes, it ſhall be reformed according to the laws of Marche.

[Note, The *Debateable Ground* was a tract of land claimed by both kingdoms, which was the occaſion of infinite troubles and vexations. The boundary of it in an old roll is thus deſcribed: "Beginning at the foot of the "White Scyrke running into the ſea, and ſo up the ſaid water of Scyrke, till "it come to a place called the Pyngilburne foot running into the ſaid water "of Scyrke, and up the Pyngilburne till it come to Pyngilburne Know, from "thence to the Righeads, from the Righeads to the Monke Rilande Burne, "and from thence down Harvenburne till it fall in Eſke, and through Eſke "to the foot of Terras, and ſo up Terras to the foot of Reygill, and up "the Reygill to the Tophous, and ſo to the ſtanding ſtone, and to the Mear-"burne head, and down Mearburne to it fall in Lyddal at the Rutterford, "and down Lyddal to it fall in Eſke, and down Eſke to it fall in the ſea." It was in length eight computed miles of the country, and in breadth four miles. The ſubjects of both kingdoms commonly depaſtured their cattle upon it in the day-time, but were to remove them before ſun-ſet on the peril that ſhould thereof enſue *.]

Sowing corn in the oppoſite realm.

9. If any ſubject of either realm ſhall manure, occupy, or ſow with corn any ground within the oppoſite realm; it ſhall be lawful to the owner of the ground or warden to deſtroy the ſame, if he think ſo convenient; or elſe to make bill, or complain thereupon to the oppoſite warden, and if the party be fouled, he ſhall forfeit his corn to the complainant, and ſhall pay four times the value of the corn ſown, and further ſuffer impriſonment by the ſpace of three months.

* The ſtory of king James's favourite cow is well known, that not liking her accommodations in England, ſhe found her way back to Edinburgh; which the king ſaid he did not ſo much wonder at, as how ſhe got through the Debateable Ground without being ſtolen.—Had the ſingularity of the event been remarked upon, that ſhe was the only one of the king's train that had any thought of returning; it would have been not unlike him to have anſwered, with the ſame kind of humour, that "ſhe was a brute, and knew no better."

10. The

10. The inhabitants of the ſaid realms reſpectively ſhall feed and depaſture their cattle within the limits and bounds of their own realm: And if any inhabitants of either the ſaid realms willingly and cuſtomably depaſture and feed with his cattle or ſheep, or ſtaffherd the ſame, within the bounds of the other realm; it ſhall be lawful for the owner of the ground ſo depaſtured, or to the warden of the Marches in his default, to cauſe the ſaid cattle to be taken and impounded, and in pound kept, until the owner thereof ſhall have paid, at the firſt time, for every cattle or nolt a penny ſterling, and for every ſheep a penny Scots. And if, upon any deliverance thereof, the party will not reform his wrong depaſturing, but eftſoons attempt like injury in depaſturing or feeding his cattle or ſheep within the other's realm; then it ſhall be lawful to the owner or warden as aforeſaid to cauſe the ſaid cattle or ſheep to be taken and impounded, and ſo to be kept, till he have paid a double poundage after the rate above written; and ſo, upon the iterating and continual new offending again in depaſturing within the other realm, it ſhall be lawful to the owner continually to cauſe the cattle ſo offending to be taken and impounded, and ſo kept, until he be ſatisfied of a double poundage, until the poundage extend for every nolt to 2*s* ſterling, and for every ſheep to 6*d* ſterling, and no higher; but that to ſtand unto the beginning of a new year's day, that is, the firſt day of January, after the firſt impounding.—And after the new year's day, to begin the poundage of every nolt a penny ſterling, and every ſheep a penny Scots. And for the next impounding, double of the firſt, and ſo to extend until the ſum amount to the foreſaid ſum of 2*s* ſterling for every nolt, and 6*d* ſterling for every ſheep, and no higher; but there to ſtand until another new year begin, and continue until ſuch offenders ſhall be compelled (by occaſion of diſtreſs, and the charge of ſo great and grievous poundage) to keep his cattle within the limits and bounds of his own realm, and not wrongfully to depaſture or feed his cattle within the other oppoſite realm, to the incroaching of the ground, and diſinheriting of the owner thereof.

Depaſturing cattle.

And if the keeper of the goods ſo depaſturing in the oppoſite realm, or any other for or with him, will not permit the owner of the ground or the warden to uſe the aforeſaid order of impounding, but will make let, trouble, or impediment againſt the pounding or keeping of the cattle until they be redeemed by paying of the poundage; in that caſe the cattle and ſheep ſhall be lawfully forfeited, and taken to the uſe of the owner of the ground or warden, for the contempt and reſiſtance made againſt the order of juſtice.

11. No man, of one part or the other, ſhall enter the lands, woods, foreſts, warrens, places, demeſnes, or lordſhips of any other perſon in the oppoſite realm, for the ſake of hunting, fiſhing, fowling, diſporting, or ſolace in the ſame, or for any other cauſe, without the licence of him or them whoſe the lands are, or perſon deputed by them, firſt had and obtained. [This law came in firſt in the reign of Hen. 6. perhaps occaſioned by the tragical exploit which was the ſubject of the famous ballad of Chevy Chace.]

Hunting in the oppoſite realm.

Goods ſtolen may be followed into the oppoſite realm.

12. If any the ſubjects of the princes aforeſaid have ſtolen any thing, or committed any attempts within the Marches or land to which he is ſubject; it ſhall be lawful for him againſt whom it hath been ſo done and attempted, freely (within ſix days to be accounted from the time of the ſaid fault ſo committed or attempted) by authority of this ordinance without any other letter of ſafe conduct, to follow the ſame offender, and (him ſo following) to enter ſafely and ſurely the Marches or land into which the ſame evil doer is gone; ſo that ſo ſoon as he hath entered the ſaid Marches or land for that cauſe, he go unto ſome honeſt man, being of good name and fame, inhabiting within the Marches which he hath entered, and declare unto him the cauſe of his entry, that is to ſay, to follow his goods ſtolen; and ſhall declare what goods or things he hath been ſpoiled or robbed of; and further ſhall require the ſame, that ſo long as he ſhall make the ſearch he go with him, that he may (when he ſhall be thereunto required upon the ſame) give teſtimony of truth of his behaviour in time of his ſearch.

Purſuit of hot trod.

13. If it ſhall happen the warden of either realm, for the apprehending of fugitives, or puniſhment of offenders, in the execution of juſtice, to purſue any fugitive or offender through the realm where he beareth rule unto the Marche, and the fugitive or offender flee into the oppoſite realm; it ſhall be lawful to the ſaid warden to purſue the chace in hot trod with hound and horn, with hue and cry, unto ſuch time and place as the fugitive or offender be apprehended, and to bring them again within their own juriſdiction, to be puniſhed for that offence as appertaineth; and that, without let, trouble, or impediment to be made or done unto him by any of the inhabitants of that realm wherein he purſueth. And if any perſon ſhall make reſiſtance, let, or impediment, to the ſaid warden in the foreſaid purſuit, he ſhall be billed for, and delivered to the warden whom he offended, to be puniſhed for his offence at the diſcretion of the ſaid warden. And in the following of the ſaid chaſe in manner aforeſaid, it is thought convenient and ordained, that the purſuer ſhall, at the firſt town he cometh by of the oppoſite realm, or to the firſt perſon he meeteth with, give knowledge of the occaſion of his chaſe, and require them to go with him and aſſiſt him in the ſaid purſuit.

And if it ſhall happen the ſaid warden, purſuer, or any of his company, to do injury or unlawful harm within the oppoſite realm, in the time of their being there; the offender ſhall be delivered to the oppoſite warden to be tried of the offence, and be puniſhed therefore at the diſcretion of the ſaid warden and other 12 perſons of that realm to be nominated by the oppoſite warden.

Receiving fugitives.

14. Every warden within his own juriſdiction ſhall take care and rule upon the inhabitants under him, to keep them in due obedience; and if it ſhall happen any perſon to be diſobedient, eſcape, run away, and be fugitive from any of the ſaid wardens; the warden ſo diſobeyed ſhall certify the oppoſite warden, requiring him to take, apprehend, and deliver the offender with all poſſible ſpeed: Which warden ſo required ſhall be bound not only at the uttermoſt

termoſt of his power to ſearch for, apprehend, and deliver the offender being within his juriſdiction; but alſo ſhall make proclamation throughout his wardenry, by the ſpace of ſix days after, of the ſaid fugitive; and ſhall ſo certify the other two wardens of that realm to proclaim the foreſaid fugitive throughout all the bounds of their wardenry, within the ſpace of ſix days after they be ſo certified in the manner aforeſaid.

And if the ſaid fugitive ſhall after that be received, kept, aided, or comforted by any ſubject of that realm; the ſame ſubject ſhall be delivered to the warden complainant, and ſhall have the ſame puniſhment that was due to the fugitive, in caſe he do not preſent and deliver the fugitive to ſuffer for his own offence.

And if it ſhall happen the foreſaid fugitive to fly with his foreſaid goods, and carry them into the oppoſite realm; the warden thereof, delivering the fugitive to be puniſhed for his offence, ſhall retain the goods to himſelf for his labour: And if the fugitive be not apprehended, then the goods to be reſtored to the warden of the realm they came from.

15. The wardens ſhall take good heed in every Marche, that none of the broken borderers [that is, not of any known clan] be ſuffered to keep in their companies any idle perſons, not employed in any honeſt ſervice or trade; and likewiſe that no idle perſons be ſuffered to remain in the Border villages or alehouſes, certifying ſuch as ſhall receipt them upon their ground, that they ſhall be billable for their ſo doing, as if they had actually receipted the goods by them ſo ſtolen. Loiterers.

16. No letters of ſafe conduct ſhall be granted by either prince to the rebels of the other; nor to any other the ſubjects of either of them, of what eſtate, dignity, or condition ſoever they be, under the great or privy ſeal of either of them, nor by word of mouth or other ways, unleſs the one of them by the other be expreſsly required thereunto by writing. And in caſe the one of the ſaid princes hath required the other by writing, to grant ſuch letters of ſafe conduct to any of their ſubjects, it ſhall be notwithſtanding at the liberty of the prince ſo required, whether he will or not grant any ſuch letters of ſafe conduct. Safe conduct.

Provided, that if any of the ſubjects of the one prince come to the kingdom of the other under ſafe conduct, and be ſo vehemently ſick, that he cannot return into his country again before the day of the expiration of his ſafe conduct; he may continue in that place in which it chanced him to fall ſick, until he be amended: and from thenceforth it ſhall be lawful for him, with letters of teſtimonial to be granted and delivered to him by the mayor, bailiff, conſtable, or any other officer of the place where it may ſo happen him to be ſick, to depart into his own country without moleſtation.

17. The wardens of the marches muſt keep their days of Marche often, and in proper perſon ſo far as may be, and not by their deputies without juſt Days of trews to be kept.

and great occaſion; and ſhall not ſlip nor diſappoint any day of trewes appointed; ſo that at the leaſt every month one day of trewes be kept at every Marche by the officers thereof, and oftner if need require; and at every ſuch meeting to keep there ſitting, day by day, until all former attempts complained upon be fully ordered and anſwered according to the treaties: So that the ſaid wardens ſhall not have reſpect to make redreſs of value for value, or bill for bill, but for all offences complained upon to them.

And albeit, for the more ſpeedy redreſs and furtherance of juſtice, it is ordained, that the warden ſhall proceed upon all complaints and attempts, by ſpeiring, fouling, and delivering upon his honour, together with ſix honeſt and famous men of that wardenry adjoined to him for the trial thereof, to be named by the oppoſite warden; yet it is not thereby intended to make derogation or aboliſhment of the laws and cuſtoms of the Marches of old ordained, but as well providing the parties grieved to follow their lawful purſuit of hot trod, and all other accuſtomed manner of freſh purſuit, for the recovery of their goods ſpoiled, as otherwiſe to uſe the order and trial of a jury and lawful inqueſt and of lawful proof to be uſed at the election and choice of the complainant.

And whereas in times paſt there have been different forms of judgment, every warden having a form and manner of proceeding different from the other; ſome redreſſing the attempts with the ſingle only, and ſome other redreſſing with the ſingle and two doubles; ſome redreſſing with a low price and value of goods, and other with an higher price; ſome permitting the party to value and eſteem as well his cattle and ſheep, as his other goods ſpoiled, by his oath, and ſome by the contrary; and ſo having different cuſtoms at ſundry Marches, which was altogether inconvenient; therefore from henceforth there ſhall be one uniform order of juſtice, according to the laudable laws and cuſtoms of the Marches heretofore uſed.

Fouling of bills.

18. All complaints ſhall be inrolled by the warden of the Marche where the complainant doth inhabit; and the roll ſhall be ſent to the oppoſite warden, who ſhall receive the ſaid roll, and ſhall do his uttermoſt power and endeavour to ſpeire, ſearch, and inquire the truth and verity of thoſe attempts contained in the ſaid complaints, and to cauſe ſuch perſons as be there complained upon to be arreſted by his ſerjeant to anſwer thereunto if they be preſent; and if they then ſhall happen to be abſent, then they are to be arreſted to anſwer at the next day of trewes; where and when, the warden and the jury ſhall either foul the ſaid bills, or give another lawful anſwer at their next meeting after the laws and cuſtoms of the Marches, whereof ſix to be of the ſaid warden's appointment, and the other ſix to be appointed by the ſaid complainant, or ſuch as purſue the bill.

Swearing of bills.

19. For eſchewing of perjury in ſwearing of bills in time to come, it is ordained, that every man ſwear his own bill; otherwiſe to have no delivery for the ſame.

20. And

20. And becauſe baughling and reproving at the aſſemblies of juſtice between the ſaid realms giveth great occaſion of trouble and inconvenience, it is ordered, that no perſon of either the ſaid realms ſhall, at any day of trewes or other convention or aſſembly between the officers of both the ſaid realms, bear, ſhew, or declare any ſign or token of reproof or baughling, againſt any ſubject of the oppoſite realm, unleſs he be thereunto licenſed by the wardens of both the realms: And if any attempt, or do contrary hereunto, the offender in that behalf to be attached by the warden of the Marches, and delivered to the other warden of the oppoſite Marche, to be puniſhed by impriſonment at his diſcretion by the ſpace of one month; and nevertheleſs the ſaid offender to forfeit and loſe his cauſe and matter, for that he (at an inconvenient time) baughled and reproved, and the other party to be therefore acquitted and diſcharged for ever. Baughling.

21. And conſidering how that perjury uſed upon the Borders moſt commonly is the root and ground of the hindrance and perverting of all juſtice, and the occaſion and cauſe of great diſorders; it is agreed and ordered, that if any of the ſubjects of either realm acquit himſelf by his oath taken in form of law before the wardens or their deputies, and after be tried and found foul and guilty of the ſame bill whereof he ſo acquitted himſelf by his oath, and thereupon ſhall appear plainly perjured to both the ſaid wardens: Then, over and above the juſt reward and recompence of the party grieved, the ſaid perjured perſon ſhall be attached and taken by the warden of the Marche where he inhabiteth, and delivered to the warden of the oppoſite realm, to be puniſhed as a grievous offender by ſtrait impriſonment during the ſpace of three months; and at the next day of trewes, and after the ſaid three months ended, the ſaid offender ſhall be brought before the wardens or their deputies, and there openly be denounced and proclaimed a perjured man; after which time, he ſhall not be reputed to be a man able to give further faith or teſtimony in any caſe or matter. Perjury.

22. If it ſhall happen any perſon unmeaſurably or outragiouſly to ſwear the number and value of his goods to be more and greater than of truth they were, to the great loſs and damage of the adverſe party; the wardens of both the realms, or their deputies then preſent, without any hindrance, ſtop, or delay in juſtice in any wiſe, ſhall take unto them 12 of the moſt worſhipful and credible perſons of both realms then being preſent, whereof ſix of the realm of Scotland to be of the denomination of the warden of England or his deputy then preſent, and the other ſix of the realm of England to be likewiſe at the denomination and appointment of the warden of Scotland or his deputy then preſent; and the ſaid wardens, with their deputies and the ſaid twelve, ſhall have power to moderate, diminiſh, or qualify the number or price of the goods or cattle ſo overſworn by the party above rehearſed. Overſwearing.

23. And becauſe it hath often happened, that the offender may be fouled in bills, being delivered to the oppoſite warden for the redreſs of the attempt committed Offender reſcuing himſelf.

committed by him, would make reſiſtance to them that lead or ſhould lea him away, and ſuddenly eſcape and return into his own country; whereby, in ſo doing, both the parties grieved lack redreſs, and trouble is raiſed between the companies of both realms being together at days of trewes: For avoiding whereof, it is ordained, that the offender ſo delivered ſhall quietly paſs and remain with the party he is delivered unto, during all the time of their ſaid aſſembly, and two hours after their departure; and if the ſaid offender ſhall do the contrary hereof, he ſhall be puniſhed by death or otherwiſe, at the diſcretion of the wardens, as a breaker of the aſſurance: And this to have place for offenders that are not delivered to be put to death.—For ſuch perſons as ſhould be executed by death, we will that the ſtrait hold and keeping ſhall be uſed, until juſtice ſhall be executed on them.

Bill cleared may be preferred again.

24. If it ſhall happen any of the wardens of either realm, in default of knowledge, to acquit any bill upon his honour in form aforeſaid, which is indeed foul; it ſhall nevertheleſs be lawful to the complainant to purſue a new bill again, requiring juſtice to be done to him for the ſaid attempts, upon better information and knowledge, unto the ſaid warden, or any other ſucceeding in that office; and that juſtice be done to him for the ſaid attempts, upon his ſaid ſecond complaint, by a jury and lawful proof to be had and received, and thereupon his bill to be fouled or acquitted after the laws and cuſtoms of the Borders heretofore uſed, notwithſtanding the ſame bill was once acquitted by any warden upon his honour in form aforeſaid.

Againſt retaliation.

25. Item, It is covenanted and agreed, that if any ſubject of either the princes aforeſaid hath ſuſtained any robberies or ſpoils by the ſubjects of the other prince, and by his own authority hath made for the ſame other robberies or ſpoils, or taken diſtreſſes of men or goods in the ſelf ſame act; he ſhall loſe his cauſe, and yet nevertheleſs ſhall be puniſhed according to the deſert of his treſpaſs.

Thrice foul to ſuffer death.

26. Finally; Foraſmuch as it hath appeared, by experience of time paſt, that thieves and evil doers have not ceaſed nor forborn from committing of offences and attempts againſt the treaties of peace, albeit they were compelled to make redreſs by payment of the principal with two doubles; it is ordained, that from henceforth, if it ſhall happen any of the ſubjects of either realm to be fouled upon bills for three ſeveral offences and attempts to be committed hereafter againſt the peace and amity, he ſhall for the third fault incur the pain of death, as a common offender againſt the laws of the Marches. So that above the ſatisfaction and redreſs of the attemptate, with the payment of the ſingles and two doubles to the party complainant; the warden of the foreſaid offender ſhall, to the uttermoſt of his power, ſearch for, take, and apprehend the ſaid offender, and bring him to the next day of Marche, and deliver him to the oppoſite warden to be executed to death: So that by this example, all other ſhall take fear to offend or violate the amity between the two realms.

Provided

Provided always, that the intent of this article is to be taken, that the ſecond of the foreſaid three offences ſhall be underſtood to be committed after the offender be once found foul of the firſt offence; and the third offence likewiſe to be taken an offence to be committed after the offender be found foul of the ſecond offence †.

CHAPTER III.

Of the manner of keeping warden courts.

A BRIEF *declaration of the ſpecial heads, orders, and forms of the laws of Marches of ancient time uſed upon the Borders, by the lords wardens of* England *and* Scotland *at their meetings and days of trewes; compoſed by* RICHARD BELL *clerk of the Weſt Marches of* England.

As

In the time of wars denounced by the princes of both realms, the lords wardens are to uſe both by policy, fire, and ſword, or martial forces of their office, for to make invaſion and take hoſtile revenge upon and againſt the inhabitants of either of the other's Marche reciprocally as time and occaſion may beſt afford, for the exploits of ſervice tending to the honour of their realms and harm of their enemies:

So

In time of peace, by ſending over their clerks, interchanging of bills containing the offences ſeverally attempted, appointing and keeping of days of trewes, fouling of bills, and making of delivery, with all other good offices, for to entertain the peaceable amity betwixt the realms to the defence and comfort of all true ſubjects, the daunting of the inſolent and diſobedient under their rules, agreeable to the good concordance of the princes treaties of peace, and to the uſe and cuſtom of the Borders, bills of faults are interchanged, days of trewes agreed on, bills fouled and delivery of principal offenders made, without reſpect of perſon or ſurname.

Days of Marche ſo appointed, proclamation is to be made, and ſtraite letters of commandment directed in the queen's majeſty's ‡ name, for all lords, knights, eſquires, gentlemen, and ſeveral officers, with convenient numbers of their charge and tenants (as time and ſervice require) for to repair the night before, and give their attendance upon the lord warden unto the ſaid day of Marche, defencibly arrayed, with their beſt horſes and nags, the morrow next following.

† Nicolſon's Border Laws, *paſſim*.

‡ Richard Bell, author of the curious manuſcript from whence this account is taken, appears to have been warden clerk during the greateſt part of the reign of queen Elizabeth. His unaffected, circumſtantial, and minute detail cannot fail to give pleaſure to every reader.

Which

Which done,

The lord warden, attended with the gentlemen, officers, ſervants, and their powers, is to ride from the place where he inhabiteth, unto the Marche bank, all ſtaying there without riding any further, or going over the ſtream if there be water, or bounds if it be dry land:

Until

The lord warden of England firſt of all (the oppoſite warden known to be come to the place appointed) doth ſend either his deputy, or ſome other ſpecial gentleman of good worth whom it pleaſeth him for to make choice of, with a convenient number of the beſt horſed and moſt ſufficient gentlemen of his company, unto the warden of Scotland, ſignifying his repair thither, and craving aſſurance during their meeting until the ſun-riſing of the next day following.

Which aſſurance being required by England and granted by Scotland; the Scotch warden, holding up his hand, engages for performing thereof in all reſpects.

Then the deputy and other gentlemen of England, returning back to the lord warden of England, are to make relation of the aſſurance granted, and conſent for the preſervation of the amity.

Forthwith after,

The lord warden of Scotland ſendeth his deputy, or ſome other ſpecial gentleman, accompanied with others of the beſt ſort of horſemen, unto the lord warden of England, ſhewing that the lord warden of Scotland yieldeth to allow and confirm the aſſurance demanded for Scotland, craving the like for England; which the warden of England, holding up his hand, granteth.

That done,

The deputy of Scotland and his company return back to the warden of Scotland, declaring the granting of the aſſurance by England.

The lord warden of England, before he or any of his company enter into Scotland, cauſeth proclamation to be made for obſervation of the peace, for old feeds† and new, word, deed, and countenance, from the time of the proclaiming thereof, until the next day at the ſun-riſing, upon pain of death.

And

The like proclamation, after their return forth of England, by the Scotch warden made before meeting.

The lord warden of England with his company entereth into Scotland, riding to the place where the lord warden of Scotland is, and lighting off horſeback ſtands ſtill, until the Scotch warden comes to him then and there, in all friendly and orderly manner, mutually embracing the one the other.

After meeting and conference had between the lords wardens, they draw themſelves remote to ſome quiet place, interchangeably calling the rolls and bills of both ſides, in the preſence of the gentlemen of the beſt ſorts of both the countries.

† Feuds.

Whereof,

Whereof,

If any doubt ariſe touching the fouling of the ſaid bills, then the ſame is to be tried either by the lord warden's honour, or a jury of ſix gentlemen of England and ſix of Scotland, or by a vower publique †.

The oath for the jurors is,

You ſhall clean no bills worthy to be fouled, you ſhall foul no bills worthy to be cleaned, but ſhall do that which appeareth with truth, for the maintenance of the peace, and ſuppreſſing of attempts: So help you God.

The ancient oath for excuſing bills:

You ſhall ſwear by heaven above you, hell beneath you, by your part of Paradiſe, by all that God made in ſix days and ſeven nights, and by God himſelf, you are whart out ſackleſs of art, part, way, witting, ridd, kenning, having, or recetting of any of the goods and cattels named in this bill; So help you God.

The oath of ſwearing of bills fouled:

You ſhall leile price make, and truth ſay, what your goods were worth at the time of their taking to have been bought and ſold in a market taken all at one time, and that you know no other recovery but this. So help you God.

The lords wardens having proceeded to the calling, fouling, and making delivery of bills; concluding, cauſe proclamation to be made by three Oyes's:

We do you to wit, That the lords wardens of England and Scotland, and Scotland and England, have at this day of trewes well agreed, conform to the laudable cuſtom of the law of Marche, and have made anſwer and delivery, foul or clean, of all the bills inrolled. And ſo the proclamation holds on according to the lords wardens agreements and directions.

Proclamation made, and leave taken by the wardens in all kindly ſort, they with their companies depart and return homeward.

Which done,

The warden of England calleth upon the gentlemen, demanding their opinions and good likings of the proceedings and conference had betwixt him and the lord warden of Scotland that day. Whereunto the gentlemen give anſwer, and their opinions. Which done, the gentlemen take their leave; the warden yielding them thanks for their attendances and readineſs of ſervice.

Theſe meetings by both wardens at the days of trewes were for the mutual redreſs of grievances between the ſubjects of the one kingdom and the other: Next follows the order of keeping a warden's court for the puniſhment of offences within his own juriſdiction:

† A perſon agreed upon by both parties, who was to be of the country of the party accused.

THE *order of keeping a warden court in caſes of* MARCH TREASON:

Firſt, The warden ſerjeant to make an Oyes, pronouncing the words following:

All men keep ſilence, and hear the queen's majeſty's commiſſion of wardenry read.

After the commiſſion is read, the warden ſerjeant muſt return his precept with the panel.

That done, call, *All gentlemen that be ſummoned to ſerve the queen's majeſty in this court, come and make your appearance, and every man anſwer to your names at the firſt call.*

Then, when as many have appeared as will form a jury, give them the oath; firſt, to the foreman in the words following:

Ye ſhall truly inquire, and true preſentment make of all things that ſhall be given unto you in charge; the queen's counſel, your fellows, and your own, you ſhall keep and not diſcloſe. So help you God at his holy dome.

Then call the reſt to the book, by four at once or more, giving them their oath in this wiſe:

Heard you the oath your foreman hath taken: All ſuch oath as your foreman on his behalf hath made, you and every of you on your behalfs ſhall make. So help you God.

Then ſay aloud,

Gentlemen that be ſworn, come near and hear your charge.

Then read them the charge diſtinctly as follows:

" Firſt, Ye ſhall inquire of March Treaſon, that is to ſay, where any " Engliſhman triſts or intercommoneth or bringeth in any Scotſman to come " into this realm, in time of peace or war, to do any ſlaughter, to burn, to " rob, ſteal, or do any other offence within this realm.

" Alſo, ye ſhall inquire, if any Engliſhman aid, receipt, accompany, or " ride with any Scotſman coming into this realm, in doing any ſlaughter, " burning, robbing, ſtealing, or doing any other offence.

" Alſo, if any Engliſhman do give harbour, receipt, or convey any Scotſ- " man, after he hath ſlain, robbed, burned, or ſtolen within this realm, in " body, goods, or otherwiſe.

" Alſo, ye ſhall inquire if any Engliſhman put forth or ſupport any " Scotſman, in time of peace or war, with any armour or artillery belonging " to war, as jacks, ſplents, breaſtplates, brigandens, coats of plate, bills, " halberds, battle-axes, bows, arrows, ſpears, darts, or any manner of guns, " as ſerpentines, half-hawks, harquebuzes, curryes, colyvers, handguns or " daggs, or any other armour, artillery, or engines belonging to the war, by " reaſon and means whereof deſtruction of any of the queen's ſubjects " might the rather enſue and follow, without the ſpecial licence of the lord " warden for the time being in writing.

" Alſo, if any Engliſhman hath given, ſold, or put forth any manner of " victuals, as bread, or corn, that is to ſay, wheat, rye, bigg, beans, peaſe, " oats, oatmeal, malt, or any other corn; or barked leather, wool-fell, iron,

" or

" or any other merchandiſe belonging to armour or artillery, either by water " or by land, but only to ſuch as have licence of the lord warden.

" Alſo, you ſhall inquire if any Engliſhman hath ſold or put away any " horſes, mares, geldings, or nags, at any time in fairs, markets, or " otherwiſe, to any Scotſman or woman, without ſpecial licence of the lord " warden in writing.

" Alſo, if any Engliſhman foreknown do of intent and purpoſe ſell any " horſe, mare, gelding, or nagg, unto any other Engliſhman, that uttereth " or ſelleth the ſame to any Scotſman.

" Alſo, ye ſhall inquire, if any Engliſhman hath attempted or done any " thing to the breaking of the truce or peace taken between the queen's " majeſty and the Scots queen, or the commiſſioners or wardens, to the " ſubjects and liegemen of the ſaid Scots queen, as in killing any of them, " aſſaulting, forreying, or robbing of any of them, within the realm of " Scotland.

" Alſo, if any Engliſhman have murdered, aſſaulted, affrayed, or robbed " any Scotſman within this realm of England, coming in by the authority of " the ſafe conduct of the ſaid lord warden, his deputy or deputies.

" Alſo, if any Engliſhman, in the time of war, hath given knowledge " or intelligence of any exploit of ſervice or inroad intended or put in ure by " the lord warden, his officers, or any other Engliſhman in time of war.

" Alſo, if any Engliſhman hath married with any Scotſwoman, or confe- " derate in friendſhip, without the lord warden's licence.

" Alſo, if any Engliſhman, hath ſold, felled, led, or carried away into " the realm of Scotland forth of England, any manner of timber to build " houſes withal.

" Alſo, if any Engliſhman hath conveyed into the realm of Scotland any of " the coin of ſilver or gold current in this realm, plate, or bullion, above " 40*s* at one time.

" Alſo, if any Engliſhman hath bewrayed the counſel of any other Eng- " liſhman, in doing any annoyance to Scotland in time of war, of malice to " the party, and commodity to himſelf.

" Alſo, ye ſhall inquire, if any Engliſhman do convey or make appoint- " ment with any Scotſman, or that triſteth or intercommoneth with them by " any manner of means, rideth or goeth with any of them, and raiſeth no " fray upon them, without licence of the warden, his deputy or deputies; " or with their licence, to the prejudice of this realm; and what hurt cometh " thereby from time to time.

" Alſo, ye ſhall inquire, if any Engliſhman receive or put forth any " Scotſman, pilgrim or other, and them with their writings and money " receiveth and keepeth, without knowledge of the ſaid lord warden or his " deputy, or otherwiſe than is accuſtomed by order of the law of Marche.

" Alſo, if any perſon inhabiting within the office of the wardenry, hath " not obediently and well obſerved and kept all watches made and appointed " by the lords wardens or their deputies from time to time, in defence of her

" highneſſes's ſubjects, againſt the incourſe as well of the riders of Scotland " as of England.

" Alſo, if any Engliſhman hath not riſen and gone, or ridden forward, at " any commandment, warning, cry, or fray, of the lord warden or his de- " puty, or of the ſearchers or watchers, ſo often as hurt or prejudice hath " been likely to enſue unto this realm or Marches, or to any ſubject within " the ſame.

" Alſo, if any Engliſhman hath receipt any Scotſman or fugitive or rebel " to Scotland, or any their goods or chattels, by any manner of means, con- " trary to the laws of Marches, or proclamation made in that behalf.

" Alſo, if any Engliſhman hath unjuſtly fouled any Scots bill upon any " Engliſhman, or falſely avowed the ſame, without good matter, but either " for profit unto himſelf, or diſpleaſure to the party billed.

" Alſo, if any man hath ſtopped or letted the trods of any Engliſhman, in " purſuing of his goods ſtolen and carrying into Scotland, to the hindrance " of the followers.

" Alſo, if any man hath ſet at liberty any Scotſman taken red-hand and " with the manner, without ſpecial licence of the lord warden.

" Alſo, if any Engliſhman hath paid any Blackmail † either to Engliſh- " men or Scots, or any Engliſhman hath taken or received any ſuch Black- " mail."

And he that is clerk of this court muſt have foreſight and ſpecial regard, to ſearch and learn, what new laws, orders, and ſtatutes are made from time to time, by any act of parliament, or at any day of Marche, between the lords wardens of England and Scotland, concerning any law of Marches, or any other cauſe inquirable in this court, and add the ſame to the charge.

Then let the jury go apart. And then make an Oyes, ſaying, *All men that have any complaints or bills concerning matters triable in this warden court, come and put them in, and ye ſhall be heard.*

Then call your recognizances, if you have any; and take ſureties.

When the jury are returned, call them by name, and receive their bills.

Then let the priſoners be brought to the bar, and calling one of them by his name, ſay on this wiſe:

A. B. Thou art here indicted, for that thou, &c. (and read forth the indict- ment)—*How ſayeſt thou by this March-treaſon, art thou guilty, or not guilty?*

If he ſay, Not guilty; then ſay, *How wilt thou be tried?—By God and the country.*

And ſo proceed with another, until all be arraigned.

Then call a jury of gentlemen, giving the priſoners leave to challenge. And when you have a full jury, beſides the challenged, give them their oath in this manner;

† Blackmail was a certain rent of money, corn, cattle, or other conſideration, exacted by divers powerful men in the Borders, on pretence of protecting the payers thereof from ſpoil and rapine.

Ye ſhall truly inquire, and true delivery make, between the queen's majeſty and the priſoners here at the bar, according to the evidence that ſhall be given in this court: As God ſhall help you at his holy dome.

Then arraign them all again, reading their indictments, ſaying, *Thou that haſt been indicted, &c. and arraigned, whereunto thou haſt pleaded Not guilty, and put thyſelf upon God and the country, who be theſe; What canſt thou ſay for thyſelf?* And ſo through them all.

Then make an Oyes, and ſay, *Gentlemen that be ſworn for delivery between the queen's majeſty and the priſoners at the bar, come near and hear your charge. Your charge is, to inquire and find, whether A. B. priſoner at the bar be guilty or not guilty of the March-treaſon he ſtandeth indicted and arraigned of, and whether he fled upon the fact done or not, and if you find him guilty, then what lands, goods, and tenements he was ſeiſed of at the committing of the ſaid treaſon or flying, in the ſhire or elſewhere within this realm, and of what value they were.*

Then make an Oyes, ſaying, *If there be any man that will give evidence for the queen's majeſty againſt A. B. priſoner at the bar, come into the court, and you ſhall be heard; for the priſoner ſtandeth upon his deliverance.*

That done, after they have been apart, and be agreed, call the jurors names, ſaying, *Who ſhall ſay for you? What ſay you to A. B. is he guilty or not guilty?* And ſo take their verdict.

Then when the verdict is given, if any perſon be found guilty, the lord warden muſt call him by name, and bid him hold up his hand; then ſay:

Foraſmuch as thou A. B. haſt been indicted of March-treaſon, and thereupon arraigned, and pleaded not guilty, and put thyſelf upon God and the country, and they have found thee guilty; wherefore this court doth award thou ſhalt be had hence unto the place from whence thou came, and from thence to the place of execution, and there to have thy head ſmitten from thy body, according to the law of the Marches.

After judgment given, my lord warden muſt call upon him whoſe office is to ſee the priſoner ſuffer, and ſay:

I command you in the queen's majeſty's name, that ye ſee execution done upon theſe perſons, according to the law of Marches, at your peril.

Then my ſaid lord warden, if it pleaſe him, may exhort the priſoner (or more, if there be more than one) in this wiſe; or let ſome godly man inſtruct them:

" Ye that are adjudged by order of law of this realm to die, remember " that ye have but a ſhort time to live in this world; therefore earneſtly call " to God, with penitent hearts, for mercy and forgiveneſs of your ſinful " lives. Repent ye have broken God's commandment, and be ſorry there- " fore; and for that ye did not fear the breach and danger of the laws, " therefore your bodies muſt ſuffer the pains of death provided to ſatisfy the " reward of your fact in this world; yet the ſalvation of your ſoul's health, " for the world to come, ſtands in the great mercy of almighty God. " Wherefore do ye earneſtly repent, and aſk mercy for your ſins, now when " ye are living, put your truſts to be ſaved by the merits of Chriſt's paſſion; " and think in your hearts, if ye were able to recompence them ye have

" offended,

" offended, ye would do it; and where you are not able, aſk forgiveneſs. " And thus I commit you to the mercy of God, wiſhing your deaths may be " example to all parents to bring up their children in the fear of God, and " obedience to the laws of this realm."

And ſo command to take the priſoners from the bar; and adjourn the court by proclamation, ſaying:

All manner of men that have more to do at this court before my lord warden, keep your day here upon a new warning; and ſo for this time depart in God's peace and the queen's:

God ſave the Queen.

THE proper buſineſs of the trewes, when the lords wardens of both ſides with their companies met together at the days of Marche (and withal the ſad condition of the country, even when it was peace between the two kingdoms), will be beſt underſtood from an example, as here ſubjoined, from a minute of the proceedings at a meeting at Berwick, in the year 1587.

A breviate of the attempts of England committed upon the Weſt Marches by the Weſt borders of Liddeſdale, and fouled by the commiſſioners of Berwick for lack of appearance.

Weſt Marches againſt Liddeſdale.

June 1581.

Sir Simon Muſgrave knight, with Thom of the Toddhill and his neighbours, complain upon	Robin Ellot of the park, Sim Ellot, Clemie Croſer, Gawen's Jock, and their complices, for	60 kie and oxen, a horſe, and the taking of Thome Rootledg priſoner.

July 1581.

James Foſter of Symwhaite complains upon	Will. Ellot of the Redhughe, Adam of the Shawes, Archie of the Hill, and John Ellot of Heughouſe; for	50 kine and oxen, and all his inſight *.

June 1582.

Matthew Taylor, and the poor widow of Martin Taylor, complain upon	Old lard of Whitaugh, young lard of Whitaugh, Sim's Thom, and Jock of Copſhawe, for	140 kie and oxen, 100 ſheep, 20 gate, and all their inſight, 200*l* ſterling: and the ſlaughter of Martin Taylor, John Dodgſhon, John Skelloe, and Matthew Blackburne.

* Viz. houſehold goods.

Oct. 1582.

Thomas Muſgrave deputy of Bewcaſtle and the tenants, againſt — Walter Scott lard of Buckluth, and his complices; for — 200 kine and oxen, 300 gaite and ſheep.

15 Nov. 1582.

Sir Simond Muſgrave knight complains upon — The lard of Mangerton, lard's Jock, Sim's Thom, and their complices; for — burning of his barns, wheat, rye, oats, bigg, and peas; worth 1000*l* ſterling.

St. Andremaſs 1582.

Andrew Taylor complains upon — Robin Ellot, Will. his brother, George Simpſon, and their complices; for — 60 kie and oxen, 100 ſheep, all his inſight, and money 60*l*.

July 1586.

Thomas Muſgrave deputy warden of Bewcaſtle, complains upon — The lard's Jock, Dick of Dryupp, and their complices; for — 400 kine and oxen, taken in open forrie from the Dryſike in Bewcaſtle.

Sep. 1587.

Andrew Rootledge of the Nuke, complains upon — Lard's Jock, Dick of Dryupp, Lancie of Whiſgills, and their complices; for — 50 kine and oxen, burning his houſe, corn, and inſight, 100*l* ſterling.

Nov. 1587.

Clemie Taylor, complains upon — Archie Ellot, Gibbie Ellot, and their complices; for — 50 kine and oxen, all his inſight, 100 marks ſterl.

Martinmaſs 1587.

The poor widow and inhabitants of the town of Temmon, complain upon — Lard of Mangerton, lard of Whitaugh, and their complices; for — the murder of John Tweddel, Willie Tweddel, and Davie Bell; the taking and carrying away of John Thirlway, Philip Thirlway, Edward Thirlway, John Bell of Clowiegill, David Bell, Philip Tweddel, Rowye Corrock, Thomas Alliſon, George Lyvock, and Archie Armſtrong, ranſoming them as priſoners; and the taking of 100 kine and oxen, ſpoil of houſes, writings, money, and inſight, 400*l* ſterling.

Commiſſioners.

John Forſter — Carmigell
John Selbie — Alexander Hume of Hutton Hall
Richard Lowther — Mr. George Yonge.

Liddeſdale againſt Weſt Marches.

A breviate of the Liddeſdale Bills fouled of the inhabitants of the Weſt Marches by the commiſſioners at Berwick; with the names of ſuch perſons noted in the Marches, as my lord Scroope had ready to deliver.

Lard of Mangerton complains upon	Cuddie Taylor, John Taylor, and their complices; at two times,	200 kie and oxen, inſight 20 *l* ſterling.
Lard of Mangerton complains upon	Mr. Humfrey Muſgrave, captain Pikeman and his ſoldiers; for	taking him priſoner, oxen, kie, horſes, mares, ſheep and gaite, inſight, 1500 *l* ſterling.
Lard of Mangerton, complains upon	Adam's Jamie Foſter, Matthew Taylor, Skailbies Hutchin, and Geordie Hetherton;	200 kie and oxen, 800 ſheep and gaite, 6 horſes and mares, from Tunden.
Thom Armſtrong of Tinniſburne, complains upon	Enſign Knap, Jamie's Adam Rootledge, John Taylor, Geordie Hetherton, and Mark's Tom's Geordie; for	300 kie and oxen, 6 horſes and mares, 800 ſheep and gaite.
Lancie of Whitaugh complains upon	Sim Taylor, John Taylor, Cuddie Taylor; for	inſight, ſilver coined and uncoined, 4000 *l* ſterl.
Sim Armſtrong of Whitaugh	John Taylor, Adam's Jamie, for	800 ſheep.
Robin Ellot of the Redheugh, complains upon	Thomas Carleton, for	60 kie and oxen, 400 ſheep, inſight 200 *l* from the ſteile.
Hob Ellot of Ranſgill	Thomas Carleton, and Riche of the Moat	60 kie and oxen, 6 horſes and mares, three priſoners, inſight, 400 marks.
Bramche of the Burnhead	Mr. Humfrey Muſgrave, and Thomas Carleton	200 kie and oxen, 40 horſes and mares, from the Ellots of Burnhead.

John

John Ellot of the Haughhouſe, and Gaven of Rarſgill	Captain Carvell and his band, with the clans of Leven	200 kie and oxen, 30 horſes and mares.

The names of ſuch of the perſons complained upon as my lord Scroope had ready to deliver:

John Taylor	Sim Taylor
Mr. Humfrey Muſgrave	Paite's Cuddie
Geordie Hetherton	Adam's Jamie
Geordie Grame ſon to Mark's Thomie	Thomas Carlton
	Richie of the Moate.

Subſcribed by the Commiſſioners:

John Forſter	Carmighell
John Selbie	Alexander Hume of Hutton Hall
Richard Lowther	Mr. George Yonge.

Weſtmarches of England againſt Weſtmarches of Scotland.

A breviate of the bills of England fouled at Berwick upon the Weſtmarches of Scotland, by the commiſſioners according to the indenture.

Jan. 1582.

Thomas Rootledge of Todholes, and his neighbours complain upon	Kynmont Jock, Eckie of Stubholme, Jock of Calfhill, and their complices	40 kine and oxen, 20 ſheep and gaite, a horſe, inſight 300*l.* ſterl.

Jan. 1582.

Dick's Rowie Rootledge, complains, upon	Kynmont Jock, Jock of Calfhill, and their complices	30 kine and oxen, a horſe, inſight and ſpoil 60*l.*

Sept. 1582.

James Rootledge and his neighbours, complain upon	Geordie Armſtrong of Calfhill, and Jock his brother, with their complices; for	100 kie and oxen.

March 1586.

Chriſtopher Burtholme of Breckonhill, complains upon	John Armſtrong ſon to Sandie, Eckie's Richie, Willie Grame called Will with the Silk	60 kine and oxen, a bull, a horſe, inſight 200 marks ſterling.

June 1586.

Geordie Taylor of the Bone Riddings	Will Bell Redcloak, Wat Bell, Richie Bell, with their complices, for	30 kine and oxen, inſight 100*l* ſterling.

June 1586.

Walter Grame, William Grame, and the tenants of Eſk;—againſt	Will Bell Redcloak, Wattie Bell and the ſurnames of the Carliells; for	burning of their mills, houſes, corn, inſight 400*l*

18 June 1586.

William Grame, of Sleddells	Will Bell Redcloak, Tom Bell, and their complices; for	30 kine and oxen, 60 ſheep, 3 horſes, inſight 100*l* ſterling.

26 June 1586.

James Grame, and Hutchin Grame of Peretree	Will Bell Redcloak, Tom Bell, and their complices	60 kine and oxen, 100 ſheep, and the ſpoil of their houſes 100*l*.

Nov. 1586.

Cuddie Taylor and his neighbours of Hullethirſt	Young Chriſtopher Armſtrong of Awghing gill, Jock of Calfhill, Eckie's Richie, Willie Cany (Gait warden)	60 kine and oxen, 4 horſes, armour, and inſight 200*l* ſterling.

8 Nov. 1586.

Rowie Forſter, John Birnie, and their neighbours	Richie Maxwell of Cavens, and the ſoldiers of Langholme	200 kine and oxen, 200 ſheep and gaite.

Dec. 1586.

The poor widow of Watt's Davie's Fargie	John of Hollas, Willie Cany, Eckie's Richie, and their complices	Slaughter of her huſband, 40 kine and oxen, 2 horſes, inſight 100*l* ſterl.

May 1587.

James Taylor of the Croſrigg	Jock of Calfhill, Kynmont's Jock, with their complices; for	30 kine and oxen 2 nags, 40 gaite, 100*l* ſterling.

July 1587.

Thomas Muſgrave, deputy of Bewcaſtle, and the tenants there	Geordie of Calfhill, Patie of the Hairelowe, Willie Cany, Eckie's Richie, and their complices	200 kie and oxen.

Dec. 1587.

Thomas Grame called Watt's Davie's Thome.	Echie's Richie of the Stubholme, Willie Cany, John of the Hollas, with their complices	30 kine and oxen, 2 horſes, inſight 100 *l*, and the taking of Will Grame and Patie Gramie priſoners.

Subſcribed by the commiſſioners:

John Forſter	Carmighell
John Selbie	Alexander Hume of Hutton Hall
Richard Lowther	Mr. George Yonge.

Weſtmarches of Scotland againſt Weſtmarches of England.

An abſtract of the attempts fouled by the commiſſioners upon the Weſtmarches of England committed to the Weſtmarches of Scotland.

Walter Scott of Branxholme, and the tenants of Ettrick houſe, complain upon	Will Grame of the Roſetrees, and Hutchin's Richie of the Balie, with their complices	80 kine and oxen, 40 nolt, 160 ſheep, one horſe.
John Wood and others of Revells, tenants to the lord of Cookepoole, complain upon	Richie Grame of the Moate, Fargie's Chriſtie, Rob Grame ſon to Fargie's Chriſtie, Richie of the Balie, with their complices	40 nolt, 160 ſheep, one horſe.
Alexander Kirkpatrick	Thom's Geordie Grame and his complices	80 kine and oxen, 6 horſes and mares, 60 ſtolts.

The tenants of Smallhame	Braid Jock's Jonie, Fergie of Meadupp	100 kine and oxen, 30 horſes and mares, inſight 400 marks.
Walter Scott of Branxholme and his tenants of Eldinghope	Will Grame of the Fold	2000 ſheep, 200 kine and oxen, 24 horſes and mares, inſight 300*l.*
The lard of Cowhill, James Maxwell of Poltrack, and others of the water of Neith.	Walter Grame, Davie Grame, Will Grame brother to the ſaid Walter, Rob of the Fald, Richie's Will	Burning of Cowhill, Poltrack, Dinhowe; 1000 kine and oxen, 500 ſheep, 200 horſes and mares, priſoners ranſomed to 30000*l* Scots.
John lord Maxwell and his tenants of Dunhowe, Querelwood, Cowhill, and other places	Walter Grame of Netherbie, Rob of the Fald, Alie's Willie's Johnie, Dick's Will	Burning of 800 onſets (3000*l* Scots), 800 kie and oxen, 300 horſes and mares, 3000 ſheep, priſoners and ranſomers 500*l* ſterling.
Robert Maxwell of Caſtle Milk and his tenants	Walter Grame of Netherbie, Rob Grame of the Fald, and their complices	Burnt houſes and corn 4000 marks Scots, 120 kine and oxen, 180 ſheep, inſight 500 marks.
Friends of Adam of Carliells and the Bells	Walter Grame of Netherbie, Davie and Willie his brother, Richie's Will, Rob of the Fald	Burning of Goddeſbrigg, 3000 kine and oxen, 4000 ſheep and gate, 500 horſes and mares, eſtimated to 40000*l* Scots.
Sir Robert Maxwell of Dunwoddie knight	Walter Grame, Davie and Willie his brother, Rob of the Fald, Richie's Will, and others	Burning of Tinwell, Rawſhawe and Mickle Woodſide, 600 kine and oxen, 60 horſes and mares, inſight 10000*l* Scots.
James Douglaſs of Drumlangrig	Walter Grame, Rob of the Fald, Will his brother	Burning the Laithes at Roſe 20000 marks, Cumrew 2000 marks, 20 kine and oxen, 40 horſes and mares, 500 ſheep.

Executors

Executors of the lard Johnſton	Hutchin's Andrew, Hutchin's Richie, Will of the Roſetrees, Francie of the Moate, and others	Burning of Loughwood 5000*l* Scots, 600 kine and oxen, 80 horſes and mares, 500 ſheep and gaite.
The earl of Morton, and Herbert of Cavens	—— Grame of the Fald, Walter Grame of Netherby, George Grame ſon to Little Tom, and others	Burning of Langholme, 400 kine and oxen, 1000 ſheep, 200 horſes and mares, 300*l* Scots.
Warden of Scotland, complaining upon	Walter Grame, Richie of the Moate, and others	For bigging houſes, and depaſturing their cattle in Scotland, and ſowing

corn to the value of 40 chalders of corn for ten years by-paſt, eſtimating the hard corn every Bow 30*s* Scots, paſturing of 2000 head of nolt and horſe, every head 30*s* Scots, 2000 ſheep, every head 3*d* Scots.

Subſcribed by the commiſſioners:

John Forſter	Carmighell
John Selbie	Alexander Hume of Hutton Hall
Richard Lowther	Mr. George Yonge.

Eſtimate of the bills fouled:

Weſtmarches of England againſt Liddeſdale	—	—	3230*l*	4770*l* in ſurplus.
Liddeſdale againſt Weſtmarches of England	—	—	8000*l* unde	
Weſtmarches of England againſt Weſtmarches of Scotland	—	—	6470*l*	27130*l* in ſurplus.
Weſtmarches of Scotland againſt Weſtmarches of England	—		33600*l* unde	

Sum total for England 9700*l*.
Sum total for Scotland 41600*l*.

Sum

Sum total to the surplus what England hath to anſwer to Scotland, viz.	To Liddeſdale	—	4770*l.*	31900*l.*
	To Weſtmarches	—	27130*l.*	

CHAPTER IV.

Of *the ſtate of the Borders from the reign of king* EDWARD THE FIRST, *to the reign of king* RICHARD THE SECOND, *incluſive.*

ROBERT DE CLIFFORD, whom we took notice of as the firſt officer with a ſpecial commiſſion for the wardenſhip of the marches, was ſlain at the battle of Bannock's-bourn in Scotland, June 24, 1314; which was in the latter end of the 7th year of the reign of king Edward the ſecond. And in the 8 Ed. 2. *Andrew de Harcla* was made warden of the Marches †; and ſoon after, governor, and afterwards, earl of Carliſle. On whole attainder, this office, together with divers of the eſtates of the ſaid earl, were granted to *Nevil* baron of Raby. And in the 8 Ed. 3. there is a ſpecial commiſſion to *Henry de Percy* and *Ralph de Nevil*, jointly and ſeverally, to execute the office of head wardens of the Marches in the counties of Northumberland, Cumberland, and Weſtmorland; with power to them, and their deputy wardens, to chaſtize and puniſh all who ſhall go about to break the peace, by arreſt, impriſonment, and detention of their bodies, at the king's will; and alſo to raiſe the whole power of the counties of the Marches, as often as ſhall be needful; with an injunction to all the king's liege ſubjects within the ſaid Marches, on pain of forfeiture and confiſcation, to be obedient and aſſiſting to the ſaid wardens, as often as they ſhall be ſummoned thereunto §.

In the 33 Ed. 3. *Gilbert Welton* biſhop of Carliſle, and *Thomas de Lucy* lord of Cockermouth were conſtituted, jointly and ſeverally, wardens of the weſtern marches ‡.

In the 40 Ed. 3. a commiſſion for wardens of the weſtern marches was granted to *Thomas Appleby* biſhop of Carliſle, *Roger de Clifford*, *Anthony de Lucy*, and *Randulph de Dacre* ‡.

In the 41th of the ſame king, a like commiſſion iſſued to the aforeſaid biſhop *Appleby*, *Roger de Clifford*, *Thomas de Muſgrave*, *Alan de Heton*, and nine others *

In the 47th of the ſame king, a like commiſſion was granted to *Thomas* biſhop of *Durham*, *Thomas* biſhop of *Carliſle*, *Edmund Mortimer* earl of *March*, *Roger de Clifford*, *Ralph de Dacre*, *Richard de Stafford*, *Henry le Scrope*, *Thomas de Muſgrave*, and *John de Appleby* dean of St. *Paul*'s (probably the biſhop's brother) ‖.

† 2 Dugd. Bar. 97. ‡ Regiſtr. Appleby. § Nicolſon's Border Laws, 372. * Rymer, tom. 5. p. 657. † Regiſtr. Welton. ‖ Regiſtr. Appleby.

In

In the 8 Ric. 2. Mar. 15. A day of trewes for the Weſt Marches was agreed upon by indenture between *Henry Percy* earl of *Northumberland*, and *Archibald de Douglas* lord of *Galway*, at the water of Eſk beſide Salom to be holden on the 19th day of April then next following, with continuation of days, to take full redreſs and execution of all things done between their reſpective bounds on the Weſt Marche from the 14th of October to Candlemaſs day then laſt paſt: But in communication together, it ſeemed to them, that it would be more for the common profit of both realms, that a longer time of Trewes ſhould be appointed, and a day of Trewes appointed for the Eaſt March likewiſe, if the wardens of the ſaid Eaſt Marche ſhould aſſent thereto; they therefore came to the following agreement, that is to ſay, the earl of *Northumberland* for himſelf and the lord *Nevill*, and the lord of *Galway* for himſelf and the earl of *Douglas*, that ſpecial trewe and aſſurance ſhall be betwixt them and their bounds, from that time to the firſt day of July next enſuing; and that during the ſaid time, none of the ſaid lords nor any within their bounds, ſhall do harm to the bounds of the other party, but they ſhall cauſe it to be redreſſed as law of Marche requires. And if it happens any great power of the one realm or the other to ride with hoſt, each of the ſaid lords ſhall do all they can to hinder it; and if they cannot hinder it, they ſhall give warning to the other part not to be at that riding, but to hinder the ſame as much as they can without fraud or guile. And if the ſaid earl of *Northumberland* or the lord *Nevill* ſhall like or miſlike the ſaid covenants, they or one of them ſhall certify the ſame by letter, on Black Monday that next cometh, before noon, at the chapel of *Salom*, by the water of *Eſke*: And in the ſame manner, if the ſaid earl *Douglas* or lord of *Galway* ſhall like or miſlike the ſaid covenants, they or one of them ſhall certify the ſame by letter, at the place, day, and hour aforeſaid. And in caſe they certify that this agreement ſtand, that day that ſhould have been holden on the 19th of April ſhall be holden on the 15th of May next coming, and the day on the Eaſt Marche ſhall be holden on the 29th of the ſame month of May. Alſo it is accorded, that all priſoners taken on both ſides ſhall be freely delivered, and all their pledges diſcharged. And if any ſteal'eth, either on one party or on the other, he ſhall be hanged or headed. And if any company ſteal any goods within the trewes, one of that company ſhall be hanged or headed, and the remnant ſhall reſtore the goods ſtolen in the double†.

CHAP-

† To ſhew the orthography of the Engliſh tongue at that time, we here ſubjoin the record in its own words and ſpelling:

Yis endenture made at ye water of Eſke, beſid Salom ye xv day of Marcz, ye zher of our Lord $\frac{i}{m}$ ccc$\frac{xx}{iiii}$ and iiii: Betwixt noble lardes and meghty, Siris Henry Percy erle of Northumbr' of theta part, and Archibald of Douglaſs lord of Galway on ye toyir parte, contenys and berres witnes, that day of radreſs ſal be halden betwixt yam in propre perſons at the place beforeſaide, ye xix day of Averill next for to cumme, wht ye continuation of days for to do and tak full radreſſe and execution of all things don betwixt yair boundes apan the Weſt Marche, beggnande ye xiiii day of Octobr' to Candlemaſs day laſt paſſyt: And yan it fell in ſpech betwixt the forſayd lords, That in entent of common profit of bathe reaumes, gif hit meght happen of langer trewe,

or

CHAPTER V.

Of *the ſtate of the Borders from the reign of king* Richard the Second *to the reign of king* Henry the Eighth.

The firſt thing remarkable that we meet with in this period, is a body of laws in the 28 Hen. 6. by *Robert* biſhop of *Durhem*, *John Beamond* lord high conſtable of England, *Thomas Stanley* comptroller of the hoſt, *Richard Andrew* the king's ſecretary and doctor of laws, *James Strangwaies* knight, and *Robert Dobbies* doctor of the canon law, on the part of the king of England; and *Andrew* abbot of *Mellroſs* king's confeſſor and treaſurer of Scotland, *Andrew* lord *Grey*, *John Methine* maſter of the rolls, and *Thomas Grafton* eſquire provoſt of Edinburgh, on the part of the king of Scotland † :—Which, with the alterations made in ſeveral ſubſequent conventions, make up the Code of Border laws as above rehearſed.

In the 5 Ed. 4. there was another like convention, by the commiſſioners *Andrew* biſhop of *Glaſgow*, *Colin* lord *Campbell* earl of *Argyle*, *Archibald* abbot

or els of pees (gif God vald vouche ſaufe), and als for the time is to ſchort to make full redraſs beforſayd, the forſayd lordes are accordit in ſpecialte, as efter folowes; yat is for to ſay, the erle of Northumbr' for hym and for the lord Nevill, and the lord of Galway for the erle of Douglas and for hymſelfe, yat ſpeciall trew and aſſurance ſall be betwixt thaim and thair boundes, betwixt this and the firſt day of July next for to come, contenant and havand the force and effect in all poyntez as the next trew gangand before. Alſo it is accordit, that durant the tyme beforeſayd, nane of the lords beforſayd, ne nane of their boundes, ſal do ſkathe to tha of the boundes of the tothir partie; bot tha ſal ger it be redreſſit, als lawe of Marche will enterchaungeably. And gif it happins that any gretter awir of the ta reaume or of the tothir, ſchapes for to ride wht Oſte, ilken of the lordes beforſayd, enterchaungeably ſall ſet let thairin at thair powar; and in cas tha ma noght let it, thai ſall ger warne the tother part of xv days, and thai ſall noght be at that rydyng, bot thay ſall lely let thaim of thair boundes at thair power, for owten fraude or gile. And alſo it is accordit, that this condition of ſpeciall trewe and aſſurance ſall ſtand and be kephit fullely by ſee als well as for theis boundes be lande, as the trewes beforeſayd aſkys. And alſo hit is accordit, that gift hir ſpecialx trewes likes to the Erle of the Marche to be compriſet whtin, thanne that thei ſall ſtand furght for hym and his boundes, and he ſall ſtand for hym and his boundes under the ſamen condition anentys thaim and thair boundes. And gif thir covenantz beforeſayd likis or miſlikis to the forſayd erle of Northumbr' or to the lord Nevil', thay ſall certifie be thair letters, or be on of thaires, opon Black Monday that next commis befor none, at the chapell of Salom, be the water of Eſke; and in the ſamen manere, gif it likis or miſlikis to the erle of Douglas or to the lord of Galway, thai or ane of thaim ſall certifie be letter, at the place, day, and oure beforeſayd. And in caſe gif thai certifie that this ſpecialtie ſtand that day that chuld be halden, the xix day of Averill chall be chot to the xv day of May next to cumme, to be halden in all force and effect as the xix day of Averill; and the day on the Eaſt Marche ſall be delayed in the ſamen maner as it is indentit to be halden the xxix day of May. And alſo it is accordit, that all priſoners taken on both the ſidis, ſall be freely deliverid, and all their boros frethit. Alſo it is accordit, gif ony ſtellis authir on the ta part or on the tothyr, that he ſall be henget or heſdit; and gif ony company ſtellis any gudes whtin the trieux beforeſayd, ane of that company ſall be hengit or heofdit, and the remanent ſall reſtore the gudys ſtollen in the double. In the witnes of the wiſche thinges, lely to be halden and fulfillyt, the foreſayd erle of Northumbr' and the lord of Galway has ſett thair ſignetz enterchangeably, in abſens of thair ſelles, day and the yer beforeſayd.

† Nicolſon's Border Laws, 9.

of

of *St. Croſs* in Edinburgh, Maſter *James Lindſey* provoſt of the collegiate church of *Lincloden*, and *Alexander Boyd* of *Drumcol'* knight, on the part of the king of Scotland; and *George* biſhop of *Exeter* chancellor of England, *Richard* earl of *Warwick* and *Saliſbury* great chamberlain of England and warden of the Weſt Marches of England againſt Scotland, *Ralph* lord of *Gray-ſtock*, *William de Haſtings* the king's chamberlain, Maſter *Thomas Keate* doctor of both laws, *James Strangwaies* and *Robert Conſtable* knights, on the part of the king of England †.

In the 9 Ed. 4. (1468) there is a collection of Border laws made for Scotland only, for the regulation of their own men in making inroads, taking priſoners, and the like: But which, moſt probably, mutatis mutandis, were alſo uſed in England; for we find a copy thereof in Mr. Bell's manuſcript, who was warden clerk as aforeſaid of the Weſt Marches of England.—Which laws are as follows:

BE IT REMEMBERED, that on the 18th day of December 1468, earl *William Douglas* aſſembled the whole lords, freeholders, and eldeſt borderers, that beſt knowledge had, at the college of *Linclouden*; and there he cauſed thoſe lords and borderers bodily to be ſworn, the holy goſpel touched, that they juſtly and truly, after their cunning, ſhould decrete, decern, deliver, and put in order and writing, the ſtatutes, ordinances, and uſes of Marche, that were ordained in *Black Archibald* of *Douglas*'s days, and Archibald his ſon's days, in time of warfare; and they came again to him adviſedly with theſe ſtatutes and ordinances which were in time of warfare before. The ſaid earl *William*, ſeeing the ſtatutes in writing decreed and delivered by the ſaid lords and borderers, thought them right ſpeedful and profitable to the borderers; the which ſtatutes, ordinances, and points of warfare he took, and the whole lords and borderers he cauſed bodily to be ſworn, that they ſhould maintain and ſupply him, at their goodly power, to do the law upon thoſe that ſhould break the ſtatutes underwritten. Alſo the ſaid earl *William* and lords and eldeſt borderers made certain points to be treaſon in time of warfare to be uſed, which were no treaſon before his time, but to be treaſon in his time and in all time coming.

1. It is founded and ordained by the law of Marches, that no manner of perſon, man nor woman, of any degree, ſhall intercommon with any Engliſh man or woman, either in Scotland or England, except the priſoners ſhall come in Scotland; without ſpecial licence of the warden or his deputy aſked and obtained in time of warfare, under the pain of treaſon. Intercommoning with Engliſhmen.

2. It is ſtatute and ordained, that when it happens that the warden or lieutenant, with any fellowſhip, do paſs in England, that what perſon for covetiſe of goods, or ſingular profit to himſelf, departs and paſſes from his fellowſhip, Of him who paſſeth from his company.

† Nicolſon's Border Laws, 36.

all the goods that he happens to take ſhall be taken from him, and be eſcheat, and by the governor of the hoſt or company ſhall be diſpoſed among the fellowſhip as to him ſhall ſeem ſpeedful; and he ſhall be noted as a traytor for his deed, and puniſhed for open treaſons.

That all men fight on foot.

3. Item, It is ordained, that what time it is ſeen ſpeedful that the hoſt light down and array themſelves, that each man light down at commandment, and no man bide on horſe, but as many as are ordained by the chieftain; and whoſo does not, to be puniſhed in like manner as is before ſaid: And if he happens to win any priſoner or goods, that bides on horſe without commandment; two parts ſhall be his majeſty's, and the third part the chieftain's of the hoſt.

Arraying the hoſt.

4. Item, That no man make obſtacle or letting to them that are ordained to array the hoſt; and that each man ſhall anſwer and obey under the ſame pain.

Taking another man's horſe.

5. Item, It is ſtatute and ordained, that if there happens any chaſe, either fleeing or following, whatever he be that takes his fellow's horſe, if he wins any goods on him, either priſoner or other goods; he that owed the horſe ſhall have the half of it, and he ſhall bring the horſe again to the ſtake: and failing thereof, he ſhall be noted as a traytor and puniſhed. And if it happens him to fly on that horſe, as ſoon as he comes home, he ſhall paſs to the market of the ſhire, and proclaim him, and immediately deliver him to the ſheriff or ſteward of the land: and if he does not this he ſhall be puniſhed as a traytor.

Taking of priſoners.

6. Item, When it ſhall happen us to win any field, whoever he be that arreſts any priſoner, and then follows off the field, and he will ſwear, when he comes home, that he did that for ſafety of his priſoner's life; that condition ſhall be of no avail: And whoever he be that ſlays his fellow's priſoner after he be arreſted, ſhall pay his ranſom to his taker, if he be of power; and if he be not of power, he ſhall die therefore.

Alſo it is found ſtatute and uſe of Marche, that it is lawful to any man to take as many priſoners as he may, both on foot and horſe: ſo that he lead them with the ſtrength of Scotſmen: And to take a token of his priſoner with him, that he may be ſufficiently known; and to leave his token with his priſoner. And ſo many as he takes in ſuch like manner, to be his priſoners; and the determination thereof to be decided by the warden or his deputy, if there be any complaints.

Rieving of other men's priſoners.

7. Item, It is found, ſtatute, and ordained, that any man being complainant of reif of his priſoner or his goods, ſhall find a borgh (pledge) in the hands of the warden-ſerjeant, upon the party that he is plaintiff of; which party ſhall be arreſted to bring the priſoner or the goods to the next warden court; and the priſoner there to be challenged by his party, and both their

witneſſes

witneſſes ſhall be heard and examined: And it ſhall be at the will and diſcretion of the judge and his ſworn counſel, when both the parties are heard, to give his decree, who has reaſon to the priſoner or to the goods: And the party found in the wrong ſhall pay 10*l* to the judges.

And if it happens any man to complain in the field to the chieftain, that his priſoner is reft from him; as ſoon as he may be gotten, he ſhall be delivered to the warden or lieutenant, to be put in even hands, that neither of the parties induce him to their will, that it may be determined and judged who has moſt reaſon to him.

Contention for a priſoner.

8. Item, If it happens a priſoner to be taken, and divers perſons contend about him, he ſhall be, at the command of the warden, delivered in even hands, or elſe in the warden's hands, at the will of the parties which they had rather; and the warden ſhall cauſe the priſoner to be brought to the warden court, and there the parties ſhall challenge, and he that is found arreſter ſhall challenge firſt: And if he has any Scotſmen to witneſs that he took him priſoner, and firſt arreſted him, the witneſſes of the firſt arreſter ſhall be of value, what Scotſmen that ever they be; the arreſter and his witneſſes being bodily ſworn, that they ſhall truth ſay, without dread or favour of any perſon. And failing of this, the action of any other claimer ſhall be put to the oath of the Engliſhman, he being bodily ſworn, and in even hands, that he ſhall truth ſay, without regard to profit or loſs to himſelf, and without fraud or favour of any other parties.

Ranſoming officers.

9. Item, It is ſtatute and found uſe of Marche, whatever he be that takes any priſoner who may lead an hundred men; he ſhall not be by him letten to pledge, nor yet ranſomed for 15 days in time of war, unleſs he have leave of the warden.

Proportioning of ranſom.

10. Item, It is ſtatute and found uſe of Marche, whatever he be that ſtrikes down a man off horſeback in the chaſe, ſuppoſe he be yielded thereafter to another man, or that ſtrikes him down through juſting of war; he that ſtrikes him down ſhall have half his ranſom, ſo that it be proved.

Takers or concealers of traytors.

11. Item, It is ſtatute and found uſe of Marche, that whatever he be that brings a traytor to the warden or his deputy, he ſhall have for his reward an hundred ſhillings: And he that puts him away fraudfully, ſhall underlie the pain of death for his ſo doing, like as the traytor ſhould have done.

Beacons to be ſuſtained.

12. Item, It is found ſtatute and uſed in time of warfare, with reſpect to bails burning and keeping, for coming of an Engliſh hoſt into Scotland, there ſhall a bail be burned on *Trailtrow-hill*, and another on the *Penchat-hill*, and on the *Bail-hill* above the *Hame-ends*, one on the *Cowdens* above *Caſtlemilk*, one on *Quitſoun*, one on *Dryſdail*, and on the *Burraw Skenton* in *Applegarth* pariſh, one on the *Browan-hill*, and one on the *Bleis* in the tenement of *Wamphray*, one on the *Kindol-knok* in the tenement of *Johnſtoun*, one on the *Gallow-hill* of

Moffat parish, and five in *Nithisdale*, one on the *Wardlaw*, one on the *Rahochtoun*, one on *Earloch*, one on the *Pittarra* hill, one on the *Malow* hill, one on *Corswinton*, one on the *Corsell*, one on the fell above *Dowlbark*, and one on the *Watchfell*: And to cause these bails to be kept and made, the sheriff of *Nithisdale*, the stewart of *Annandale*, and the stewart of *Kirkudbright* in *Galloway* shall be debtors; and whoso keepeth not the bails, shall pay for each default one mark *.

Pursuit on firing the beacons.

13. Whoever he be, an host of Englishmen coming in the country, the bails being burned, that follows not the host on horse or on foot, ever till the English men be passed off Scotland, and that they have sufficient witnesses thereof; all their goods shall be escheat, and their bodies at the warden's will, unless they have lawful excuse for them.

Prisoners not to pass without safe conduct.

14. Item, It is ordained, if there be any Englishman taken in Scotland, they shall have no freedom to pass in the country farther than the place of their entry, and the streight way from England to the place, on no man's conduct, except only our sovereign lord's, or the warden's proper self; and that they shall come on another conduct to the very day and place of their entry and payment: And if they happen to be without conduct, or any Scotsman with them in name of their taker, he shall be prisoner to any Scotsman that may get him.

Suffering prisoners to escape.

15. Item, That no Scotsman, after any host be ridden, or ready to ride in England, let his prisoner pass home, or that an host of English be come in Scotland and Scotsmen gathering against them; under the pain of treason.

Parting of goods.

16. Item, Whoever he be that comes to the host without bow and spear, and there be any parting of goods, two of them shall be to one bow part.

Deserting.

16. Item, Whoever he be, after that they come in the field, that flees from the lord his master and his fellows, and bides not to the uttermost; all his goods shall be escheat, and his person punished as a traitor at the next warden court thereafter to be holden.

Rieving of prisoners or goods.

18. Item, whoever he be that rieves from any man his horse, prisoner, or goods, after that they be known unto him; he shall restore them again, and his person punished therefore as for open treason.

HERE end the laws and constitutions made by the earl Douglas †.

* In Cumberland, the places appointed for beacons were *Blackcomb*, *Boothill*, *Mulcaster* fell, *St Bees* head, *Workington* hill, *Mocthay*, *Skiddaw*, *Sandale* top, *Carlisle* castle, *Lingy close* head, *Beacon* hill, *Penrith*, *Dale Roughton*, *Brampton* Mote, and *Spade-Adam* top. In Westmorland; upon the top of *Stanemore*, *Orton* scar, *Farleton* knot, *Whinfell* fell, and *Hardknot*.

† Balfour's Practicks, p. 590.

CHAPTER

CHAPTER VI.

Of the ſtate of the Borders during the reign of king Henry *the eighth.*

IN this king's reign there was another commiſſion of Border laws and regulations; the commiſſioners were *Thomas Audley* knight high chancellor of England, *Thomas Cromwell* ſecretary of ſtate, *Edward Fox* almoner, *John Treymovell* privy counſellor, and *Richard Givente* official principal of the metropolitical church of Canterbury, on the behalf of the king of England; and *William* biſhop of *Aberdeen* great treaſurer of Scotland, and *Adam Otterburne* knight privy counſellor, on the behalf of the king of Scotland ‡.

Alſo in this king's reign, Sir *Thomas Wharton* (afterwards lord *Wharton*) became eminent and in high truſt with the king as a moſt active and vigilant warden of the Marches. He firſt ſignalized himſelf when deputy warden of the Weſt Marches under the lord Scroop, in the memorable rencounter at Sollom Moſs, of which there is ſcarce a parallel in hiſtory. Being then governor of Carliſle, he (together with Sir William Muſgrave) with 300 horſemen [according to the common account, but from the fragments of a letter hereafter following they ſeem to have been 1400 horſe and foot] attacked an army of 15000 Scots, and with very little reſiſtance took priſoners almoſt every perſon of diſtinction in the Scotch army, with 800 common ſoldiers, and all their baggage and artillery. The reaſon was, the Scots being diſguſted that Oliver Sinclair the king's favourite and an upſtart was made commander in chief, would not fight under him. Hiſtorians ſay, that the Scots fled, becauſe they ſuppoſed Wharton's men to be the van of the duke of Norfolk's army coming againſt them. But moſt probably, Wharton had ſome private intimation from the Scots of what they intended; otherwiſe his enterpriſe would not have been courage but madneſs. It broke the Scotch king's heart, and he died within a month, leaving his infant daughter Mary.

After the Scotch king's death, king Henry meditated a marriage between his ſon prince Edward and the ſaid Mary; and in order to prepare the way to it, ſent for the chief of the Scotch priſoners up to London. And there is yet extant a copy of a letter from Sir Thomas Wharton to the king, giving an account of the priſoners ſent up by him, with the names of their takers; and an original letter from the king to the ſaid Sir Thomas Wharton about the ranſom of ſaid priſoners to be given to their takers; together with a copy of Sir Thomas Wharton's anſwer to the ſame; which are as here follows:

COPY *of a letter from Sir* Thomas Wharton *to the king's moſt excellent majeſty, the tenth of* December (1542).

Pleaſe your moſt excellent majeſty to be advertiſed, that your gracious and moſt noble letters of the date at your highneſs's honour of Hampton court the

* Nicolſon's B. L. 62.

laſt

laſt day of November, was delivered unto me at Newcaſtle the 4th of December, being repaired thither with divers noblemen and gentlemen Scottiſh priſoners, according to the right honourable my lord of Hertford's letters of commandment unto me ſo to do: Humbly advertiſing your majeſty, that the contents of your highneſs's ſaid gracious and moſt noble letters ſhewed by me and read in that part to the gentlemen your highneſs's ſervants and humble ſubjects there preſent, we all have received the ſame in our hearts with moſt joy and comfort, for that our fortune by the favour of almighty God, to ſerve your majeſty to your highneſs's moſt noble contentation. In ſuch wiſe we ſhall moſt humbly pray with our hearts, that we may ſerve your majeſty to the continuance of the ſame, which is all our worldly comfort to do to our lives end. It may alſo pleaſe your majeſty to be advertiſed, that herewith I do ſend unto your highneſs the names of the noblemen and gentlemen priſoners, which I delivered at Darnton to my lord Scropp, and the names of their takers in the ſame. I do ſend alſo to your majeſty the order of that fortunable ſervice done by the power of almighty God to your highneſs againſt your majeſty's enemies, and the names of ſuch gentlemen, and the numbers with them, in that your majeſty's ſervice; together with ſuch communication in effect as I have had with the lord Maxwell and Oliver Synclere. I ſhall attend your majeſty's moſt noble commandment for all the other priſoners, according to my moſt bounden duty. And yet there are divers good priſoners upon the Marches here, as I am informed. Your majeſty hath not a little comforted us all to ſerve, for that your highneſs's moſt noble goodneſs ſignified for the ward of Robert Bryſco *, which ſhall be employed to the widow and ward accordingly. I ſhall attend to annoy and aſſail the enemy, with all vigilance, diligence, and circumſpection, according to your ſaid moſt noble letters, and all other your highneſs's ſervices, to the beſt I can or may unto my life's end, as I am moſt bounden; and ſhall daily pray to almighty God, that your majeſty may moſt long in proſperous health reign over us. At Carliſle the 10th of December.

The names of the noblemen and gentlemen of Scotland, priſoners, to be ſent unto the king's majeſty from Sir Thomas Wharton knight, with the names of their takers, as followeth:

The earl of Caſſill.	Batill Routlege his taker: John Muſgrave claimeth a part for the loan of his horſe to the ſaid Routlege.

* It appears from Sir Thomas Carleton's memoirs, that this Robert Briſco was ſlain at Sollom Moſs, and the king here remits the profits of the wardſhip of his heir, for the benefit of his widow and the ſaid heir; which widow the ſaid Sir Thomas Carleton afterwards married.

In

In plea amongſt them.	The earl of Glencarne, otherwiſe called the lord of Gilmawres.	Willye Grame called Watt's Willye, Willye Grame of the Balie, Sir Thomas Wharton, and Thomas Dacre.
In plea between them.	The lord Flemynge, one of the king of Scots privy council.	George Pott and Stephen James claimeth to be the taker.
In plea between them.	The lord Maxwell, admiral of Scotland, warden of the weſt Marches of the ſame, and one of the king of Scots privy council.	Edward Aglionby or George Foſter his taker.
	The lord Somervell.	Richard Bryſco his taker.
In plea between them.	The lord Olivaunt.	Thomas Denton or James Alenſon his taker.
	The lord Graye.	Thomas Whyte, Willie Storye, and George Storye his takers.
	Oliver Synkeler, one of the king of Scots privy council.	Willie Bell his taker.

LETTER *from the king to Sir* Thomas Wharton *concerning the ranſom of the Scotch priſoners.*

To *our truſty and right well beloved counſellor Sir* Thomas Wharton *knight, deputy warden of our Weſt Marches for anempſt* Scotland, *and captain of our town and caſtle of* Carliſle.

By the King.

Truſty and right well beloved, we greet you well: Letting you wit, that foraſmuch as we conſider that the takers of the priſoners which do now come up may percaſe by reaſon of the taking of them out of their hands fear leſt they ſhould not be recompenſed for the ſame as appertaineth; our pleaſure is, that you ſhall call them together, and aſſure them on our behalf, that their repair hither ſhall be nothing to their loſs or hindrance: Nevertheleſs, foraſmuch as we purpoſe to proſecute our enterprize with Scotland, whereby the wars cannot ſhortly be determined, but be like to have a long continuance, during the ſuſpence whereof they can have no recompence for the ſame; to the intent they may be the better ſatisfied, and that they may alſo have wherewith to furniſh themſelves againſt the next year with all things neceſſary and convenient for them, our pleaſure is, that of yourſelf you ſhall commune with the ſaid takers of all the priſoners which do now come up, and know what they

they would demand for them; promiſing to do what you can, if they will be reaſonable, to get them ready money for them, which ſhall be moſt their commodity, ſeeing the long tract of time that muſt be before they ſhall elſe get any thing for them. Which well compaſſed by your dexterity and wiſdom, we might take ſuch order touching the deliverance of the ſaid priſoners either in redemption of our men in Scotland, or otherwiſe as ſhall be thought moſt convenient.

Finally, foraſmuch as many of our ſubjects of thoſe marches do now repair hither, we deſire and pray you to take order that none of them, as much as you can, do in any wiſe depart from thence, whereby the ſame ſhould be in any wiſe diſfurniſhed, but that every of them may be on his guard both to defend and annoy as the caſe ſhall require.

Given under our ſignet at our honour of Hampton Court, the 11th day of December the 34th year of our reign.

Sir Thomas Wharton's *anſwer to the ſame.*

To *the king's moſt excellent majeſty, in haſte, with poſt haſt.*

Pleaſed your moſt excellent majeſty to be advertiſed, that this 16th of December, at five of the clock aforeday, I have received your majeſty's moſt noble letters of the date at Hampton Court the 11th of the ſame; commanding me to call together the takers of the priſoners now ſent to your highneſs, and to aſſure them in your majeſty's behalf, that the conveying of the priſoners to your highneſs ſhall be no loſs nor hindrance unto them; and by this your majeſty's enterprize, the wars cannot ſhortly be determined, your highneſs's pleaſure is that of myſelf I ſhall commune with them to know what they would demand for them, and that I ſhould promiſe to do what I can to get them money, which ſhall be their moſt commodity, that your majeſty may thereupon take convenient order; and that as nigh as I can to take order, that none of your majeſty's ſubjects ſhall depart from hence for diſfurniture here; as your majeſty's moſt noble letters at length ſignifieth: I ſhall with all dexterity, according to your highneſs's commandment, attend for the accompliſhment of all the ſame.

Advertiſing your majeſty, that I have not been privy and conſenting to the repair of any perſons from theſe Marches, except one Thomas Denton gentleman, who hath to his power ſerved your majeſty honeſtly ſince my entry in office; and he hearing that a ſervant of the lord Dacre's was repaired againſt him for the taking of the lord Olivaunt, then he deſired me that he might depart for his trial thereof, wherewith I was content.—The repair from theſe Marches, and uſe of priſoners, by divers the lord Dacre's * ſervants and tenants, hath perplexed divers perſons here, conſidering their delivery of priſoners unto me according to your majeſty's commandment, and theſe others not ſo doing,

* There appears to have been all along a jealouſy and rivalſhip between Sir Thomas Wharton and the lord Dacre.

nor alſo making me privy of their paſſages to any other part from theſe marches, and I have had earneſt requeſts made by others that hath not ſo done.

It may alſo pleaſe your majeſty to underſtand, that there are yet here upon theſe marches divers good priſoners better than ſundry that I have ſent; amongſt which there is one William Grame lord of Sentre, which married the Cardinal's ſiſter; he ſaith to me he may ſpend in land 300 marks Scotiſh; he is taken amongſt the Grames, they bear him the more favour for his name. I intend of myſelf to practice with their takers, your majeſty to have them accordingly. All the others . . . . . good priſoners gone for ſmall ranſoms from evil men upon the Borders [without my] knowledge, and againſt all commandments given. Advertiſing [alſo there] was many good priſoners in the hands of your highneſs's ſubjects, after . . . . . and more in number taken than I have hitherto written . . . . . And in all of your majeſty's ſubjects there was xiiii [ſpace of about three words torn off] horſe and foot. Advertiſing alſo, that at the arrival of your majeſty's moſt noble letters, I had preſently written a letter unto the right honourable my lord warden; I have with theſe ſent a copy thereof to your majeſty. And as I am moſt bounden, I ſhall ſerve your majeſty, and pray daily to almighty God to continue your grace, with moſt perfect health, moſt long to reign over us. At your majeſty's caſtle of Carliſle the 16th of December at five of the clock aforeday *.

In the next place, within a quarter of a year after this, we meet with a liſt of the gentlemen of both counties called out by Sir Thomas Wharton upon ſome further ſervice of the borders; which ſhews who were the principal gentlemen of that time ſubject to border ſervice, and what was the proportionable value of their reſpective eſtates: *viz.*

The names of ſuch as were ſent for by Sir Thomas Wharton's *letter* 34 Hen. 8. 1543.

Sir *William Muſgrave*, 60 horſe and 40 foot (beſides Bewcaſtle).
Sir *Thomas Curwen*, horſe at his pleaſure.
Sir *John Lowther*, 100 horſe and 40 foot.
William Pennington, all his tried horſemen.
John Lamplough for his father, ten horſe.
John Leigh (beſides Burgh horſe and foot) 10 horſe.
John Thwaites, houſhold ſervants.
John Skelton of Branthwaite, 4 horſe.
Thomas Dykes, 4 horſe.
Richard Egleſfield, 6 horſe.

* For the communication of theſe letters, we are obliged to the reverend Mr. Watſon of Middleton Tyas, Yorkſhire.

Alexander Appleby, 2 horſe.
Mr. *Latus* for the lord of *Millum*, 60 horſe.
William Porter, 2 horſe.
Thomas Salkeld of the Whitehall, 4 horſe.
Anthony Barwis, 2 horſe.
John Senhouſe, 4 horſe.
William Aſmotherley, 2 horſe.
John Swinburne, houſhold ſervants.
Anthony Highmore, 2 horſe.
Robert Ellis, 2 horſe.
Robert Lamplough, houſhold ſervants.
William Sands and *Edward Berdeſey*, for the lord of St. Bees, 10 horſe.
Robert Briſco, horſe and foot.
Cuthbert Hutton, 6 horſe and 10 foot.
Edward Aglionby, horſe and foot.
Thomas Dacre of Grayſtock, horſe and foot.
William Skelton, 6 horſe.
Thomas Dalſton (beſides Carliſle) 10 horſe and 20 foot.
Thomas Blenerhaſſet for Gilſland, horſe and foot.
Chriſtopher Threlkeld, 4 horſe and 6 foot.
John Muſgrave, for Bewcaſtle, horſe and foot.
William Pickering, for Barton, Martindale, Paterdale, and his own tenants, 20 horſe and 20 foot.
William Vaux, 4 horſe and 6 foot.
Richard Blencow, 6 horſe.
Richard Hutton, 4 horſe.
Richard Warwick, horſe and foot.
Lancelot Lowther for Derwentwater, all horſemen.
Tenants of the Biſhop and College, all horſe.
The lordſhip of Holme, all tried horſe.

Weſtmorland:
Sir *James Leyburne*, 20 horſe.
Walter Strickland, 200 horſe.
The ſon of Sir *Jeffrey Middleton*, 20 horſe.
Anthony Ducket, 20 horſe.
John Preſton, houſhold ſervants.
William Gilpin, 6 horſe.
Thomas Sandford, 80 horſe and 20 foot.
John Warcop, 6 horſe.
Lancelot Lancaſter, 20 horſe and 20 foot.
Chriſtopher Crackenthorp, 10 horſe.
Hugh Machel, 4 horſe.
Henry Shaw, 2 horſe.
James Pickering, 6 horſe.
Thomas Blenkinſop, 120 horſe.

Robert

Robert Hilton, 2 horſe.
Robert Pullen, 2 horſe.
Richard Salkeld of Roſgill, 20 horſe and 20 foot.
Richard Dudley, 6 horſe and 6 foot.
Thomas Wybergh, 6 horſe and 6 foot.
Thomas Fallowfield, 4 horſe.
Robert Cleburne, 6 horſe and 10 foot.
Barnaby Warcop, 2 horſe.
Ambroſe Machel, 2 horſe.
Simon Slingſby and *Thomas Lambert* for Culgaith, 6 horſe.
Edward Birkbeck, 2 horſe.
Thomas Lough, 4 horſe.
Henry Barton, 2 horſe.
Robert Warcop, 4 horſe.
Lancelot Wharton, 10 horſe.
Richard Salkeld of the Grange, 4 horſe.
Thomas Rooſe, 2 horſe *.

What kind of atchievements they performed in this peculiar kind of warfare in the Borders, we are informed from Haines's ſtate papers; p. 51, 54. The total amount whereof in one inroad or *forray*, from the 2d of July to the 17th of November in that ſame year, is thus computed:

Towns, towers, ſtedes, barnekyns †, pariſh churches, baſtel houſes ‡ caſt down or burned	192
Scots ſlain	403
Priſoners taken	816
Nolt (i. e. horned cattle) taken	10,386
Sheep	12,492
Nags and geldings	1,296
Goats	200
Bolls of corn	890

Inſight (i. e. houſhold furniture) not reckoned.

In the next year, in a forray made by the earl of Hertford, between the 8th and 23d of September 1545, the ſum total of miſchief is thus ſet down:

Monaſteries and friar houſes, burnt or deſtroyed	7
Caſtles, towers, and piles	16
Market towns	5
Villages	243
Milns	13
Hoſpitals	3

* Fleming. † *Barnekin* was the outermoſt ward of a caſtle; within which were the barns, ſtables, and cow-houſes. ‡ *Baſtel houſes* ſeem to have been monaſteries or hoſpitals.

CHAPTER VII.

Of the ſtate of the Borders during the reign of king Edward *the ſixth.*

IN the beginning of this reign, in 1547, in the month of February in that year, is a manuſcript account by Sir *Thomas Carleton* of Carleton hall of a forray in Scotland conducted by himſelf, who commanded a party under the (then) lord Wharton.

" The firſt day (he ſays) we made a road into Tevidale, and got a great booty of goods, and that night we lay in the old walls of Wawcop Tower, and builded to-falls; but for lack of houſing both for ourſelves and horſes, we could not remain there the weather was ſo ſore; and ſo we came to Canonby, where we lay a good ſpace, and then went to Dumfries, and lay there, who ſubmitted themſelves to become the king's majeſty's ſubjects of England. And the morrow after my coming hither, I went into the Moot hall, and making a proclamation in the king of England's name, that all manner of men ſhould come in and make oath to the king's majeſty, every man at his peril, they all came and ſwore, whereof I made a book and ſent it to the lord Wharton. And I ſo continued about ten days. And ſo making proclamation, that whoſo would come in and make oath, and lay-in pledges, to ſerve the king's majeſty of England, he ſhould have our aid and maintenance, and who would not, we would be on them with fire and ſword; many of the lards of Nidſdale and Galloway came in and laid-in pledges. But the town of Kirkobree, being 24 miles from Dumfries, refuſed: inſomuch that the lord Wharton moved me, if it were poſſible, with ſafety, to give the ſame town of Kirkobree a preiffe † to burn it. And ſo we rode thither one night, and coming a little after ſun-riſing, they who ſaw us coming barred their gates, and kept their dikes: For the town is diked on both ſides, with a gate to the water-ward, and a gate in the over end to the fell-ward. There we lighted on foot and gave the town a ſharp onſet and aſſault, and ſlew one honeſt man in the town with an arrow; inſomuch that one wife came to the ditch, and called for one that would take her huſband and ſave his life. Anthon' Armſtrong being ready ſaid, Fetch him to me, and I'll warrant his life. The woman ran into the town, and fetched her huſband and brought him through the dike, and delivered him to the ſaid Anthon'; who brought him into England, and ranſomed him.—The tutor of Bombye, near adjoining the ſaid town, impeached us with a company of men; and ſo we drew from the town and gave Bombye the onſet, where was ſlain of our part Clement Taylor; of theirs three, and divers taken, and the reſt fled.

And ſo we returned, ſeized about 2000 ſheep, 200 kye and oxen, and 40 or 50 horſes, mares, and colts, and brought the ſame towards Dumfries. The country beyond the water of Dee gathered, and came to a place called the Forehead ford. So we left all our ſheep, and put our worſt horſed men

† Proof, trial.

before

before the nowte and naggs, and ſent 30 of the beſt horſed to preeke at the Scots, if they ſhould come over the water, and I to abide with the ſtandard in their relief. Which the Scots perceiving, ſtayed and came not over. So that we paſſed quietly that night to Dumfries, leaving the goods in ſafety with men and good watch. In the morning we repaired to the goods, a mile beyond Dumfries, of intent to have divided and dealt the booty; and ſome claimed this cow, and ſome that nagg, to be under aſſurance, and ran through the goods. Above all, one man of the laird of Empsfielde came amongſt the goods, and would needs take one cow, ſaying he would be ſtopped by no man, inſomuch that one Thomas Taylor, called Tom with the bow, being one of the garriſon, and being charged with keeping of the goods, ſtruck the ſaid Scotſman on the head with his bow, ſo that the blood ran down over his ſhoulders. Going to his maſter there, and crying out, his maſter went with him to the Maſter Maxwell. The Maſter Maxwell came, with a great rout after him, and brought the man with the bloody head to me; ſaying, with an earneſt countenance, "Is this, think ye, wele; both to take our goods, and thus to ſhed our blood?" I, conſidering the Maſter at that preſent to be two for one, thought beſt to uſe him and the reſt of the Scots with good words, and gentle and fair ſpeeches, for they were determined even there to have given us an onſet, and to have taken the goods from us, and to have made that their quarrel. So that I perſuaded him and the reſt to ſtay themſelves; and for the man that hurt the other man, he ſhould be puniſhed to the example of all others to commit the like, giving him that gave the ſtroke ſharp words before them; and the goods ſhould all be ſtayed, and none dealt, till the next morrow, and then every man to come that had any claim, and upon proof it ſhould be redreſſed; and thus willed every man quietly for that time to depart. Upon this we all agreed, and ſo we left the goods in ſafe keeping, and came to Dumfries about one of the clock in the afternoon, giving every one of the garriſon ſecret warning to put on their jacks, and bridle and ſaddle their horſes, and to meet me immediately at the bridge end, and ſo they did. I ſent 42 men for the goods, and to meet me at a ford a mile above the town, where we brought the goods over, and ſo came by Lochmaben, and divided them that night, and brought them to Canonby where we remained before: And thus with wiles we beguiled the Scots."

Afterwards, he goes on: "Conſidering Canonby to be far from the enemy, for even at that time all Annerdale, Liddiſdale, and a great part both of Nidſdale and Galway, were in aſſurance, and entred to ſerve the king's majeſty of England, ſaving the lard of Drumlanricke, who never came in nor ſubmitted himſelf, and with him continued Alexander Carlell lard of Bridekirk, and his ſon the young laird,—I thought it good to practiſe ſome way we might get ſome hold or caſtle, where we might lie near the enemy, and to lie within our own ſtrength in the night, where we might all lie down together, and riſe together. Thus practiſing, one Sander Armſtrong, ſon to ill Will Armſtrong, came to me and told me he had a man called John Lynton, who was born in the head of Annerdale, near to the Loughwood, being the laird Johnſton's chief houſe, and the ſaid laird and his brother (being the abbot of

Salſide) were taken priſoners not long before, and were remaining in England. It was a fair large tower, able to lodge all our company ſafely, with a barnekin, hall, kitchen, and ſtables, all within the barnekin, and was but kept with two or three fellows and as many wenches. He thought it might be ſtolen in a morning at the opening of the tower door; which I required the ſaid Sandee to practiſe, and as he thought good, either myſelf to go to it, or that he would take a company and give it a priefe, with as much foreſight to make it ſure as was poſſible; for if we ſhould make an offer, and not get it, we had loſt it for ever. At laſt it was agreed that we ſhould go with the whole garriſon. We came there about an hour before day; and the greater part of us lay cloſe without the barnekin: But about a dozen of the men got over the barnekin wall, and ſtole cloſe into the houſe within the barnekin, and took the wenches and kept them ſecure in the houſe till day-light. And at ſun-riſing, two men and a woman being in the tower, one of the men riſing in his ſhirt, and going to the tower head, and ſeeing nothing ſtir about, he called on the wench that lay in the tower, and bad her riſe and open the tower door, and call up them that lay beneath. She ſo doing, and opening the iron door, and a wood door without it, our men within the barnekin brake a little too ſoon to the door; for the wench perceiving them, leaped back into the tower, and had gotten almoſt the wood door to, but one got hold of it that ſhe could not get it cloſe to; ſo the ſkirmiſh roſe, and we over the barnekin and broke open the wood door, and ſhe being troubled with the wood door left the iron door open, and ſo we entred and wan the Loghwood; where we found truly the houſe well purveyed for beef ſalted, malt, big, havermeal, butter, and cheeſe. Immediately, taking a ſhort ſurvey of the houſe, leaving the ſame in charge with Sandee Armſtrong, and giving ſtrict command no man to imbezil or take away any manner of thing, until my lord Wharton's mind and pleaſure ſhould be known, I rid to his lordſhip to Carliſle, who willed me in the king's majeſty's name to keep that houſe to his grace's uſe; and to ride to Moffet 4 miles off, and make proclamation according to the effect of the proclamation made before in Dumfries; and whoſo did others wrong, either by theft, oppreſſion, or otherwiſe, that I ſhould order it amongſt them, and in all weighty cauſes to refer it to his lordſhip and his council: which I accompliſhed to the utmoſt of my power, and ſo continued there for ſome time in the ſervice of the king's majeſty as captain of that houſe, governor and ſteward of Annerdale under the lord Wharton. In which time, we rode daily and nightly upon the king's majeſty's enemies; and amongſt others, ſoon after our coming and remaining there, I called certain of the beſt-horſed men of the garriſon, declaring to them I had a purpoſe offered by a Scotſman which would be our guide, and that was, to burn Lamington, which we did wholly, took priſoners, and won much good both malt, ſheep, horſe, and inſight, and brought the ſame to Moffet in the head of Anerdale, and there diſtributed it, giving every man an oath to bring in all his winnings of that journey, wherein truly the men offended ſo much their own conſcience, very many layning [concealing] things which afterwards I ſpeired out, that after that time my conſcience would never ſuffer me to miniſter an oath

oath for this, but that which could be ſpeired or known to be brought in, and every man to have a ſhare accordingly.

After that, I made a road in by Crawfurth caſtle to the head of Clyde, where we ſieged a great vaſtil houſe of James Douglaſs, which they held till the men and cattle were all devoured with ſmoke and fire: And ſo we returned to the Loughwood. At which place we remained very quietly, and in a manner in as civil order both for hunting and all paſtime, as if we had been at home in our own houſes. For any man within Annerdale, being within 12 or 16 miles of the Lowghwood, would have reſorted to me to ſeek reformation for any injury committed or done within the ſaid compaſs, which I omitted not, but immediately after the plaint either rode myſelf and took the party complained upon, or ſent for him, and puniſhed or redreſſed, as the cauſe deſerved. And the country was then in good quietneſs: Annerdale, Nidſdale, and a great part of Galway all to the water of Dee, were come in and entred pledges; for then was Kirkobree come in and entred their pledges alſo."

HERE next follows, from Mr. Bell's Manuſcript, *An abſtract of the names of the gentlemen and principal headmen of the Weſt Marches of* Scotland, *taken in aſſurance by the lord* Wharton *lord warden of the Weſt Marches of* England, *who made oath and delivered pledges to ſerve the king's majeſty with ſuch number and perſons as are named in their ſeveral bills as followeth:*

ANNERDALE.

Lard of Kirkmighell —	222
Lard of Roſe — —	165
Lard of Hempsfield —	163
Lard of Home Ends —	162
Lard of Wamfrey —	102
Lard of Dunwoddie —	44
Lards of Newby and Gretney	122
Lard of Tinnell —	102
Patric Murray — —	203
Chriſtie Urwen of Coveſhaw	102
Cuthbert Urwen of Robbgill	34
Urwens of Sennerſack —	40
Wat Urwen —	20
Jeffrey Urwen —	93
Thomas Johnſton of Crackburne	64
James Johnſton of Coites	162
Johnſtons of Craggyland	37
Johnſtons of Drieſdell —	46
Johnſtons of Malinſhawe —	65
Gawen Johnſton —	31
Will Johnſton the lard's brother	110
Robin Johnſton of Loughmaben	67
Lard of Gillerſbie —	30
Moffits — —	24
Bells of Toſtints —	142
Bells of Tindells —	222
Sir John Lawſon —	32
Town of Annan —	33
Roomes of Tordephe —	32

ANNERDALE AND GALLOWAY.

Lord Carliſle —	101

ANNERDALE AND CLIDSDALE.

Lard of Applegarth —	242

NIDSDALE.

Mr. Maxwell (and more)	1000

Lard

Lard of Cloſeburne —	403	Lard of Orcherton —	112
Lard of Lagg —	202	Lard of Carliſle —	206
Lard of Cransfield —	27	Lard of Loughenwarr —	45
Mr. Edward Creighton	10	Tutor of Bombie —	150
Lard of Cowhill —	91	Abbot of New Abbay —	141
Maxwells of Brackenſide and vicar of Carlaverick —	310	Town of Dumfries —	201
		Town of Kirkubrie —	36

Lidsdale and Debatable Lands.		Tividale.	
Armſtrongs — —	300	Lard of Drumlire —	364
Elwoods — —	74	Caruthers' —	71
Nixons — —	32	Trumbells —	12

Galloway.		Eskdale.	
Lard of Dawbaylie —	41	Batiſons and Thomſons	166

Sum of theſe perſons Scotſmen, bound by oath and pledges to ſerve the king's majeſty of England — — 7008

Next *follow divers letters that ſame year, whilſt lord Wharton continued warden.*

Lord Wharton *to lord* Eure.

To the right honourable my very good lord, my lord *Eure* lord warden of the Eaſt Marches of England for anempſt Scotland, and captain of Berwick:

RIGHT honourable and mine eſpecial good lord, after my moſt hearty commendations unto your good lordſhip, advertiſing in the ſame, that the 13th of June I received your letters of the 12th of the ſame, ſignifying the news from out of Scotland, of the governor and queen's advancing towards Pebles; with others, as your friendly letters purporteth; for which I right heartily thank your lordſhip: And to advertiſe you ſuch news as I have from out of Scotland. I am informed by ſundry intelligence, that the governor and queen came to Pebles upon Sunday night. The captains of their garriſons, with many other gentlemen, were ſummoned to be afore the governor yeſterday forenoon. I am alſo informed, that certain guns was ſet forth of Edinburgh upon Sunday laſt at afternoon, and intended to be at Pebles yeſternight. If they proceed without let or ſtop, I eſteem they may be at Langholme upon Thurſday or Friday. Advertiſing further your lordſhip, that upon Saturday laſt afore day, John Maxwell (the lord Maxwell's brother), the lards Drumlangerk, young Loughenwar, and others, with their garriſon lying at Loughmaben, and the countrymen thereabouts, to the number

number of 1000 men or thereupon, aſſembled themſelves and came to a place called Tordoſe in Scotland, near to the water bank which divideth the realms over againſt the lordſhip of Burgh; and being there, ſent 100 light horſemen in the day breaking to a town called Glaſſen upon the water bank in England, and laid the reſt in an ambuſh at the ſaid Tordoſe. And the country, being in good watch, eſcried and encountered their horſemen, where was a ſharp ſkirmiſh. They have ſlain one Wattie Bell ſervant to John Maxwell, two or three of their geldings, and taken one notable borderer; and (thanks be to God) no damage done to any Engliſhman, town, or goods, except a gelding ſlain under a ſervant of mine.—Theſe are ſuch news as I have at this preſent; and I ſhall, as I can, attend to advertiſe your lordſhip from time to time, requiring ſemblable from you; knowing well that your honourable wiſdom will conſider theſe my ſaid letters and the preſent affairs of his majeſty better than I can advertiſe or declare the ſame. I ſhall notwithſtanding endeavour myſelf to the accompliſhment of all things to the beſt I may, according to my duty. And almighty God ſend your good lordſhip good health and proſperous ſucceſs in honour. At Carliſle the 14th of June 1547.

A PROCLAMATION *made at* Penrith, June 14, 1547, *for raiſing the power of the Borders.*

FORASMUCH as the governor of Scotland, their queen, and others noblemen of that realm, repaired to Pebles upon Sunday at night laſt, and alſo their ordnance coming from Edinburgh, of intent with a great army of the whole body of the ſaid realm of Scotland to do ſome enterprize againſt the king's majeſty's poſſeſſions and ſubjects upon theſe Weſt Marches: Therefore, Thomas Wharton knight, lord Wharton, lord warden of the Weſt Marches of England for anempſt Scotland, captain of the king's majeſty's city of Carliſle, and one of his highneſs's moſt honourable council, ſtrictly chargeth and commandeth, in his majeſty's name, That all his highneſs's ſubjects, horſemen and footmen, within the bounds of the ſaid Weſt Marches, prepare their arredineſs and come forward, with ten days victuals, as hath been appointed, ſo as they may be at Carliſle upon Thurſday next at noon, not failing hereof upon pain of death. Written at Carliſle this Tueſday the 14th of June 1547. God ſave the King.

LETTER *from lord* Wharton June 15, 1547, *to the Gentlemen Weſt Marchers.*

AFTER my hearty commendations unto you, when yeſterday I wrote as well proclamations to be made at Penrith, as otherwiſe in the parts of Weſtmorland and Cumberland, for the beacons to burn, and the ſubjects to come forwards to be at Carliſle to-morrow at noon, for the defence and power of Scotland; and foraſmuch as I am credibly informed this Wedneſday by intelligence from out of Scotland, that the governor, their queen, ordnance, and

munition, came to Pebles upon Saturday night laſt, as I wrote; where, and in thoſe parts, they continue, and as yet the governor hath not ſo great an army as he looked to have at this preſent time, and therefore hath determined with a power to come to the town of Dumfries upon Saturday next as is appointed, and to levy the garriſons in all parts over againſt theſe Weſt Marches, until they may levy a greater army to do the annoyance they may againſt the king's majeſty's realm and poſſeſſions upon theſe Marches: Truſting, with the leave of God, to put the borderers in theſe outward parts of theſe Marches in ſuch watch and areadineſs, as we ſhall be able to defend their ſudden enterprizes; and that I would all his majeſty's ſubjects under my rule ſhould live in as much quiet and preſervation of themſelves and victual, until the occaſion ſhall come by the enemies (for intelligence whereof I ſhall do ſo well as I can, the weightineſs of this the king's majeſty's ſervice conſidered), I require you to repair home to your own houſes, with hearty thanks for your arreadineſs and diligence, and alſo deſire you in his majeſty's name, to continue at your houſes in like arreadineſs, with watch of beacons to come forwards, with ten days victuals, upon warning; and that none of his majeſty's loving ſubjects fail hereof, upon pain of death. Be the more earneſt for your arreadineſs, for that the governor continueth on their Borders for anempſt theſe Marches. And cauſe theſe be read openly to all the king's majeſty's ſubjects, every gentleman and officer under his ſeveral rule, for their better knowledge of the ſame. And right heartily fare you well. From Carliſle this Wedneſday the 15th of June at four of the clock afternoon, 1547.

Your loving friend
THOMAS WHARTON.

LORD Wharton *to the privy council, the 16th of* June 1547.

To the right honourable the lords of the king's majeſty's moſt honourable privy council:

IN my lawlye and due manner, it may pleaſe your moſt honourable lordſhips to be advertiſed, that upon Sunday night the 12th of June the governor and queen of Scots came to the town of Pebles, and no great power with them; the earl of Caſſills and George Douglaſs came with the governor, and then were they his chief counſellors. The ſame Sunday afternoon was ſet forth of Edinburgh towards Pebles a demiculverin, and two facons, which came to Pebles upon Monday night. The morrow after, it is ſaid, there ſhall more ordnance come from Hamilton, whereupon I have eſpial. The governor had ſent letters to the great number of noblemen and gentlemen of the eaſt and weſt parts of Scotland byſouth the water of Forthe, and alſo for the captains of the garriſons had againſt theſe Marches, to be afore him at Pebles the ſaid Sunday night and Monday aforenoon. I am informed, that the lord Hume and the lard of Bukclugh would not come at his commandment. He ſent again, the ſaid Monday in the morning, John Maxwell (the lord Maxwell's brother), the lard Drumlanrick, and young Loughenwar, and other captains of the

garriſons which did lie at Loughmaben and Moffet, who came to Loughmaben the ſaid Monday night. And upon Tueſday the morrow after, had afore them the garriſons, and delivered the pledges to the countrymen again, and therewith ſaid that the governor would come himſelf in perſon to the town of Dumfries, and bring a ſufficient power with him to defend thoſe countries, and in thoſe parts would continue, until he ſhould have his purpoſe for their relief. The governor and queen appointed to hunt on this ſide Pebles the 15th and 16th of this inſtant. I have eſpial there, to ſee the manner of their hunting. I am informed that the queen intendeth to return homewards by Hamilton; and that the governor hath appointed to be at Moffet the 17th at night towards Dumfries. And he being in great fear to come in thoſe parts, John Maxwell hath undertaken with others at the governor's appointment to watch and ward his body *. The ſame John Maxwell made great brags afore the governor and queen at Pebles of his truth to that realm, and his ſervice lately ſhewed againſt England, ſhewing his laſt enterpriſe upon Saturday laſt, whereof I wrote to your lordſhips in my letters of the 12th, where he got neither honour nor profit, but his chief man Wattie Bell there ſlain, and the others done as I wrote. The earl of Angus and many others, noblemen of that realm, work in all they may againſt the Lang holme and theſe marches. I truſt they dare not enterpriſe againſt the ſame, or any his highneſs's poſſeſſions, without the power of an army, ordnance, and munition for the ſame. The Scotſmen inhabiting upon his majeſty's poſſeſſions, which ſerved in theſe laſt wars, continue and ſerve at my commandment, notwithſtanding all theſe great countenances of the enemy's approaching towards them. The old lard of Mangerton, his ſon, and of the Liddiſdales and others, once or twice a week are with me, and ſhew themſelves very willing to ſerve the king's majeſty, and deſire that I will appoint with them where their goods ſhall be relieved, and ſtand at this preſent in appearance to me very ſerviceable men, and well deſerving reward. The poor entertainment I can make, I uſe with them. For they have been, and yet are, continually doing diſpleaſure to the enemies, which has the more appearance to me for their ſervice to be well done. Sundry eſpials ſay, that they will levy their army againſt Langholme and theſe parts; which if they do not, many the Weſtmarchers of Scotland will yield themſelves to ſerve the king's majeſty at your lordſhip's moſt honourable commandment, to the great annoyance of that realm; and that the governor and council know right well.

I did advertiſe my lords wardens of the Eaſt and Middle Marches, by my letters of the 14th, as well of the governor and queen's coming to Pebles, as of the ordnance ſet forth of Edinburgh, with other news as I had preſently then; of intent the rather they might, with their own intelligence, be the more ready to advance the king's majeſty's ſervice, according to your lordſhips

* Dr Robertſon ſpeaking of this governor (James Hamilton earl of Arran) ſays, Timidity and irreſolution were his predominant failings; the one occaſioned by his natural conſtitution, and the other ariſing from a conſciouſneſs that his abilities were not equal to his ſtation. With theſe diſpoſitions he might have enjoyed and adorned private life; but his public conduct was without courage, or dignity, or conſiſtence. Hiſt. Scot. i. 83.

letters unto me the 27th of May.—And almighty God preſerve your lordſhips in health. From Carliſle the 16th of June 1547 ‡.

The truth was, the privy council, or rather the duke of Somerſet who had ſet himſelf at the head of them as lord protector, was meditating an invaſion of Scotland, which in September following the ſaid duke entred with an army of 18000 men, and defeated the Scots at Muſcleburgh. But the next year he was unſucceſsful, and was obliged to abandon Haddington.

About this time the lord Wharton was removed from the wardenſhip. The emoluments which he received from the ſaid office will appear from the following ſchedule;

Offices, fees, and ſervices which the lord Wharton had with the wardenry of the Weſt Marche and captainſhip of the city and caſtle of Carliſle: viz.

For the wardenry *per annum* 600 marks.
Two deputies at 10*l per annum* each.
Two warden ſerjeants 40*s per annum* each.
For the captainſhip *per annum* 100 marks.
Three porters at 26*s* 8*d per annum* each.
One trumpeter at 16*d per diem.*
One ſurgeon at 12*d per diem.*
The receipt of the queen's lands called the Queen's Hames, and foreſt of Englewood, with the ſtewardſhip of the foreſt there.
The demaines of Carliſle.
The office of cuſtome paying yearly the rent of 20 marks to the exchequer.
The ſtewardſhip of the Holme, with the fees of 18*l* and odd money *per annum.*
The ſtewardſhip of the biſhop's lands; the fees *per annum* 40*s.*
The ſtewardſhip of the College lands; the fees 26*s* 8*d.*
The ſtewardſhip of the late cell of Wetheral, that is annexed to the college; the fee 26*s* 8*d.*
The tithe corn of Peareth, Langanby, Scotby, Bochardby, Stainton, Mickle Croſbie, Little Croſbie; paying the old rent to the biſhop and college.
The half fiſhing at Cowgarth, of the college; without rent.
The caſualties belonging to theſe offices, uncertain.

The lord Wharton was ſucceeded by William lord Dacre; during whoſe wardenſhip, there is a collection of letters in manuſcript, from September 1559 to October 1560, which Sir Thomas Carleton ſays was found in the library at Carleton hall after his grandfather's death; ſix other great books of like writing being ſpoiled (he ſays) by rain and wet, and even this greatly damaged †.

‡ Communicated by the reverend Mr. Watſon aforeſaid.

† Now at Ridal Hall.

Out

Out of which we ſhall report the correſpondence of about one month, to ſhew the alertneſs and activity wherewith matters were tranſacted at that time.

THE *lord Protector (the Duke of* Somerſet) *to the lord* Dacre.

To our very good lord the lord Dacre, warden of the Weſt Marches for anempſt Scotland, in haſte, haſte, poſt haſte, for thy life, for thy life, for thy life.

AFTER our hearty commendations to your good lordſhip, By your letters of the 21ſt of this inſtant, we underſtand your opinion on the country there in Scotland about Dumfries; nevertheleſs we let your lordſhip underſtand the ground and circumſtances of our opinion, which is, that the border thereabouts may, and of conſequence muſt be inlarged and incroached upon the enemy, and therefore we would you conformed your ſole purpoſe and intent of ſervice thereto; which thing can no way be better brought to paſs than in this manner: The Almains, in number two thouſand, very valiant ſoldiers, which ſhall be ſent to you ſhortly from Newcaſtle together with Sir Thomas Holcroft, with the force of your wardenry (which we would were advanced to the moſt ſtrength of horſemen that might be), ſhall make the attempt to Loughmaben, being of no ſuch ſtrength but that it may be ſkailed with ladders, whereof beforehand we would ye cauſed ſecretly ſome number to be provided, or elſe undermined with the pyke axe; and ſo taken, either to be kept for the king's majeſty, or otherwiſe to be defaced and taken from the profits of the enemy. And in like manner the houſe of Carlaverok to be uſed. During which time Dumfries may be either burned or taken, as occaſion ſhall require. For this we are aſſured, that the thing being kept ſecret, this power ſhall well be able to attempt any enterprize in all thoſe parts, if it be to Douglaſs; eſpecially ſince the French power, for lack of victual, ſhall not be able to come thither being ſo far diſtant, and the country not able to find them it. Wherefore, firſt of all, your lordſhip muſt of neceſſity give your ſole ſtudy hereunto, and receive our direction having ſo good ground and reaſon. And for this purpoſe ye muſt with all ſpeed make proviſion of victual all manner of ways ye can poſſibly deviſe, and in ſuch manner as the preparation thereof diſcloſe not the purpoſe; for therein we think the advantage ſhall be great, to have the matter ſuddenly attempted. And next this, your wardenry muſt be put in arreadineſs to be preſt at one hour's warning, not revealing unto any of them the purpoſe. For your lack of things pertaining to the munition, we ſhall take order the ſame ſhall be ſent to you. And to the anſwer of this letter we pray your lordſhip make convenient ſpeed. And ſo we bid the ſame heartily farewell. From our houſe at Odyham the 27th of September 1549.

Your loving friend,

E. SOMERSET.

P. S. This enterprize we would the rather were advanced at this time, becauſe now at the abandoning of Haddington we may keep our credit in Scotland.

land. And for the number of Almains, if ye ſhall deſire to have the more number; ſignify it, and we ſhall anſwer thereunto.

Lord Dacre *to Sir* Thomas Holcroft.

Right worſhipful, in my moſt hearty manner I commend me unto you: And having received letters from my lord protector's grace, for a ſervice to be done on theſe borders, wherein I truſt you ſhall be party; and knowing your inclination is to have things done with ſuch wiſdom and circumſpection, as they may redound to the advancement of the king's majeſty's ſervice and affairs, and to the comfort of yourſelf and ſuch as ſhall go about them; Therefore I have ſent unto you this bearer my ſervant, to ſhew you the preſent ſtate of things here, and to have ſuch further conference with you in theſe affairs as it ſhall pleaſe you. To whom I pray you give credit therein. And thus I bid you heartily farewell. From the king's majeſty's caſtle of Carliſle the 3d of October.

Your loving friend aſſuredly,
W. Dacre.

Lord Dacre *to the lord Protector.*

To my lord Protector's grace, in haſte, haſte, poſt haſte, for thy life, for thy life, for thy life, haſte, haſte.

May it pleaſe your grace to be advertiſed, that this preſent day I received your grace's letter of the 27th of September laſt, whereby your grace ſeemeth not to allow mine opinion touching the affair on theſe borders, preſently to be put in uſe againſt Scotland, but declaring the ground and circumſtance of your grace's opinion to be, that the border may and of congruence muſt be inlarged, and that with the number of 2000 Almains to be ſent hither with Sir Thomas Holcroft and the power of this wardenry, your grace's purpoſe towards Loughmaben, Carlaverok, and Dumfries may be atchieved, your pleaſure is that I ſhould conform my whole purpoſe and intent of office thereto, and that I ſhall receive your grace's direction in that behalf; willing me further to make proviſion of victuals and ladders, and to put the power of the wardenry in arreadineſs; and all this to be done in ſuch manner, as the preparation thereof diſcloſe not the purpoſe: May it pleaſe your grace to underſtand, that according to my duty and charge committed unto me, my whole ſtudy is and always hath been applied, to inlarge the borders here, and incroach, and annoy the enemy; and ſo according to my ſimple knowledge, I have as well before, as in my laſt letters declared to your grace, the moſt eaſy and ready way and leaſt chargeable that I could imagine for that intent. And now albeit your grace ſhall in this and all other find me (for the advancement of the king's majeſty's honour and ſervice, and the accompliſhment of your grace's direction) neither to ſpare my body, lands, nor goods, nor the bodies of my children, kinsfolk, nor friends; yet I conſider my duty is,

is, to open all ſuch things, as either may hinder or fruſtrate any your grace's purpoſes of ſervice enterprized, to the intent that the cauſe may be by your grace's politic wiſdom foreſeen and provided for, and that the declaration thereof may be my diſcharge. Firſt, As in my former letters for victuals, I have conferred with diſcreet and expert gentlemen (not diſcloſing the purpoſe, nor no ſemblable thereof), and grains be here at this inſtant ſo ſkant, that wheat is preſently ſold for 40*s* the quarter, malt for 26*s* the quarter, and other corns of exceſſive prices, yet the ſoil unapt for theſe kinds of grains, it is not to be had in the country for money; ſo that the proviſion for that purpoſe muſt needs be had in ſome other parts, and either tranſported hither by ſea, or carried by land, and that with a great foreſight, or elſe there ſhall neither be ſufficient for the people that be here already, nor yet the country cannot be able to ſerve ſoldiers at reaſonable prices as their wages ſhall leave them: And for this purpoſe, if it ſhall pleaſe your grace to appoint ſome convenient man to provide it where it may beſt be had, he ſhall have my aſſiſtance, advice and counſel as appertaineth. Alſo, the nature of the ground and country is ſuch, that we ſhall be able to have few or none other carriages but only upon horſes; and the winter is here ſo fallen already, that it can be no worſe; divers waters which we have to paſs having no bridges over them, ſo that all our ſpeed in that point muſt hang upon fair weather. And yet if theſe and divers other were put out of doubt, the country of Scotland ſtanding as it doth at this preſent, it ſhall be very like that the powers of Frenchmen and Scots ſhall be at us before we can finiſh our enterpriſe. Nevertheleſs, as preſt at commandment to all aſſays, if it pleaſe your grace to appoint the proviſion of grains, and other ſuch victuals as be neceſſary, and give order that the ſtrangers come not hither, nor that their coming be not bruited (which is moſt danger of revealing the enterpriſe), till all things may be brought in the beſt arreadineſs that can be; I ſhall in the mean time endeavour me to have the whole power of the wardenry (advancing as much horſemen as I can) in arreadineſs, and ſuch other things as I am able to do here, for the furniture of the purpoſe, with as much diligence as I can uſe. The grains that were provided here be utterly loſt *, and will ſerve for no purpoſe, as the keepers thereof have informed me.—Whereas your grace ſeemeth by this enterprize now at the abandoning of Haddington, the rather to keep credit in Scotland; I ſuppoſe the garriſons named in my former letters ſhould annoy the enemy, renew credit, and bring the borders in ſuch plight this winter ſeaſon, that the proviſion being made ready, your grace in the ſpring of the year ſhould bring to paſs ſuch things as cannot now well be done. And this, under correction, I think, as I have before declared, to be the leaſt charges and moſt commodity to the ſervice. As knoweth almighty God, who grant your grace long life

* This ſeems to be intended as a ſlur upon the lord Wharton. In ſome following letters, lord Dacre adviſes the council to ſell thoſe decayed proviſions to ſeveral perſons at a price then propoſed. To which the council returned in anſwer, that the lord Wharton would take thoſe proviſions in his own hands, that ſo the king might be no loſer.

and

and good health, with good and honourable ſucceſs in all affairs. At the king's majeſty's caſtle of Carliſle, the 3d of October, 1549.

A LETTER of the ſame effect and date was ſent to my lord great maſter (Saintjohn); with all the conſiderations before expreſſed fully declared; requeſting his lordſhip to be the meane, that the importance thereof might be pondered, and preparation and proviſion had, before the attempting of any enterpriſe.

THE *earl of* Rutland *(lord warden of the Eaſt and Middle Marches) to the lord* Dacre.

MY very good lord, after my right hearty commendations; Becauſe I am informed that the power of Scotland, with the French, are minded to invade this realm, about the 20th day of this month, to devaſt the borders, whereby the king's majeſty ſhould be unable to keep garriſons to annoy them this winter; and foraſmuch as I am uncertain in what part they mind to attempt their enterprize, either upon your charge or mine, therefore I thought good to admoniſh your lordſhip of the ſame; to the intent that if they ſhall approach and purpoſe to annoy upon your part, I having knowledge of the ſame may forthwith repair to aid and aſſiſt you; and upon the contrary, if the enemy ſhall come towards me, your lordſhip receiving warning thereof may likewiſe ſupply me with the power of your charge; which I pray your good lordſhip may be put in ſuch arreadineſs, as upon one hour's warning the ſame may be ready to advance forwards in the ſervice of the king's majeſty. And where heretofore your lordſhip hath written unto me, for munition and ordnance lacking at Carliſle, I ſhall deſire your lordſhip to ſend hither the clerk of the ordnance there, with a note of all ſuch munition and ordnance as remain within his charge; to the intent I may take order for the ſupply thereof accordingly. Thus fare your lordſhip right heartily well. From the camp beſide Roxborough the 4th of October 1549.

Your lordſhip's aſſured friend,
H. RUTLAND.

THE 9th of October the lord Dacre ſent to my lord of Rutland the clerk of the ordnance with letters for ſupply of the lack of munition and ordnance, according to his book thereof made, referring credit to the bearer for the neceſſity of the premiſſes, and ready diſpatch of the ſame: Declaring further, that upon like intelligence, he had given order for the arreadineſs of the power of his wardenry, before the arrival of my lord of Rutland's letters.

Which order was taken, as well by proclamation generally, as by ſpecial letters to all the gentlemen and officers within his wardenry as by a copy of the ſame hereafter written appeareth:

A Pro-

A Proclamation.

At the king's majeſty's caſtle of Carliſle the 5th of October, Anno Regis Edwardi ſexti tertio, 1549.

Whereas the lord warden of theſe Weſt Marches foranempſt Scotland is informed by credible ſpials, that the queen and governor of Scotland have preſently aſſembled a great army toward ſome part of the king's majeſty's dominions; for the reſiſtance whereof it is meet and requiſite to put the country in perfect arreadineſs: Wherefore the ſaid lord warden ſtrictly chargeth and commandeth, in the king our ſovereign lord's name all and every his majeſty's ſubjects within the limits and precincts of the ſaid wardenry of Weſt Marches, between 16 and 60, as well footmen as horſemen, to be in arreadineſs furniſhed as appertaineth, and victualled for ten days, to ſet forwards upon one hour's warning, by writing, beacons burning, or otherwiſe, upon pain of death. And that all ſuch as have charge of keeping and watching any beacons within the precincts aforeſaid, have vigilant reſpect and regard unto their charge, upon like pain; ſo as in due time they may give warning by the ſame as occaſion ſhall require.

A LETTER *to the ſame effect to the gentlemen Weſt Marchers.*

After my hearty commendations, Foraſmuch as I am credibly informed that the governor of Scotland doth preſently aſſemble a great army, to invade ſome part of theſe the king's majeſty's dominions, for the reſiſtance whereof it is meet to put the country in arreadineſs; wherefore theſe ſhall be ſtrictly to charge and command you in the king our ſovereign lord's name, that ye and every of you, upon ſight hereof, take ſuch order and direction, that all your ſervants, tenants, and others within your rowmes (rooms), rules, and offices, between 16 and 60 years, as well horſemen as footmen, be in arreadineſs fully furniſhed as appertaineth, and victualled for ten days, to ſet forwards upon one hour's warning, by writing, burning of beacons, or otherwiſe; ſo that the contrary do not hinder the king's majeſty's ſervice, as occaſion thereof ſhall require. Fail not hereof, as ye tender the advancement of the ſame, with the quietneſs of the country, and will anſwer to the contrary at your peril. I bid you heartily farewell. At the king's majeſty's caſtle of Carliſle, the 8th of October 1549.

Your loving friend,
W. DACRE.

SIR Thomas Holcroft *to lord* Dacre.

Pleaſeth your lordſhip to be advertiſed, that I have received your letters by this bearer your ſervant. And where my lord Protector's grace is minded of an exploit upon the Weſt borders and the attempting of Loughmaben, for

the which I doubt not your lordſhip ſhall do it with much honour, ſo that we may be well furniſhed with victual and carriages: And as I know the weſt borders to be a ſtraite country, and now in the winter-time full of moſſes, moraſſes, and waters; I do not know how we ſhall attempt the thing, unleſs we carry with us victual to endure the time we ſhall lie without; and how ſuddenly waters will be up, your lordſhip knoweth it beſt. And as the whole matter reſteth upon your lordſhip's hands, ſo I doubt not there ſhall be a good proviſion of victual and carriages for the ſame. For otherwiſe I ſhall aſſure your lordſhip, having Almains and ſtrangers with you, ye ſhall have more buſineſs with them lacking their victuals and their carriages, than ye ſhall have trouble with the enemy. And as your lordſhip is able to proceed, ſo to advertiſe my lord's grace; and if ye be not able to fulfil theſe things, let the matter be referred to the ſpring-time of the year; and in the mean time to provide all things for the ſame, as my lord's grace ſhall think convenient. And as your lordſhip is in towardneſs of the ſame, I pray you that I may be advertiſed from time to time. For if your lordſhip ſhall be furniſhed with the neceſſaries for the ſame, I doubt not your lordſhip ſhall do it and more with much honour. Before the 20th of this inſtant, your lordſhip may not look for me; becauſe there is a purpoſe pretended by the Scots for the invading of this realm. But as ſoon as I ſee to what end their purpoſe is, I ſhall not fail to come unto your lordſhip; truſting your lordſhip will put all things in arreadineſs. And if their purpoſe be towards your lordſhip, I ſhall not fail to be with you with an honeſt power, leſt they be able to attempt any thing there. And thus praying to God to ſend your lordſhip good health with much honour. From Berwick the 7th day of October 1549.

Your lordſhip's to command,
THOMAS HOLCROFT.

LORD DACRE *to the lord Protector.*

To the right honourable my lord Protector's grace; in haſte, haſte, poſt haſte, for thy life, for thy life, haſte, haſte.

PLEASE it your grace to receive here incloſed ſuch news and intelligence as this day I received forth of Scotland, from a ſpial of mine who was in Edinburgh on Friday laſt; and I have made him repair thither again and bring me further word of their enterprize, as ſoon as he can ſurely perceive where they intend the ſame. And whereas I lately advertiſed your grace of the decay of the walls of the city and caſtle of Carliſle, yeſterday 14 yards of the city wall on the ſide towards Scotland, by reaſon that it ſtood on a ſpring, the weather being wet, and the wall old and in ruin, did ſhoot and fall to the ground the one ſide from the other, and divers parts of the wall is like to do the ſame, which cannot be repaired and made up this winter; wherefore I ſhall be forced to cauſe the watch be ſtronger laid in that place: Humbly beſeeching your grace that I may know your grace's pleaſure, as well in the premiſſes, as in my late letters to your grace concerning the ſame. And thus almighty

God preſerve your grace in health, with moſt increaſe of honour. From Carliſle the 8th of October 1549.

Your grace's humble at commandment,
WILLIAM DACRE.

THE *intelligence ſent in the ſame letter.*

Honerable Sir,

Efter right hertie commendationes pleaſe it your worſhipe to wit, I was in Edynburghe this laſt Friday the fourte of Octobre; and for tidings, there is an galyon cumyt owt of Fraunce, and twa ſhips with mekle money, whilk cauſes this army to ryſe of Scotland, and charged all manner of men to be in aredines on 24 houres warninge. And the erle of Huntley and the erle of Argyll hais promiſed to bring fyve thouſand ma men nor ever ther faders dyd. And therle of Angwiſh getts Arboth againe to taike the lieutenantſhip upon hyme. As I am advertiſed, ther is writting comyt to the quene and the governor, owt of Fraunce, that ther ſhall cum within 15 days 10 thouſand men of warr. Ther is an advertiſement cumyt, that an hoſt will be in at this border in this light. And pleaſe your worſhip that I and the gentlemanne mak yow further ſervice, advertiſe us with this bearer, whilk ſhall let for no expences or travaile when time cumys. And the gentleman and I be ſyker where we ryde or gang, goods and ſervands. And I pray your worſhip's anſwer of the premiſſes. For I purpoſed to have cumyt to yow and durſt not for fear of my life. And as ye wold have me doande in all things, advertiſe with this berer, which ſhal be at power, God willande, wha everlaſtinge have your worſhip in keaping. By your ſervant,

Ye wait wha.

FROM *my lord Great Maſter.*

To my very good lord the lord Dacre, &c.

I commend me heartily unto your good lordſhip, and have perceived by your letters of the 3d of October the diſcourſe the duke of Somerſet made to you, and what enterprize he would have had you to have made upon that diſcourſe, and your anſwer made thereto, and what was your further advice, albeit my ſaid lord was not contented therewith but willed you to advance his device, to the doing whereof ye lack victuals and carriages, which muſt needs be conſidered, and ſo ſhall be by my lords of the council, who mind to be privy of all the proceedings of the borders, and to give their advices to the order of the ſame, as you ſhall further perceive in ſhort ſpace*: Thinking your lordſhip take good heed, the mean while, of the earl Bothwell and other

* This is an intimation of the meditated downfal of the lord Protector, who is here ſtyled barely *duke of Somerſet.*

aſſ red men; by whom for truſt ye may ſooneſt be deceived, as you know well. And I pray you deviſe with me by your letters, what way ye think beſt to increaſe the king's borders into ſtrength, and then how ye may win and hold of the enemy's ground that may do you ſervice, evermore making your own borders ſtrong for the defence of yourſelf and of that you win, and that manner of increaſe ſhall ſtrengthen the king's borders and inrich his people, and give them courage to march upon the enemy for gaining of ground and cattle, wherein I would gladly learn how it might beſt be done. Thus fare you heartily well. Written the eighth of October 1549.

Your lordſhip's loving friend,
W. Seinctjohn.

The *earl of* Rutland *to lord* Dacre.

To my very good lord the lord Dacre, *&c.* in haſte, haſte, poſt haſte, for thy life, for thy life, for thy life.

My very good lord; After my moſt hearty commendations, underſtanding the gathering of the Scots purpoſing to invade this realm, and doubting yet which way they will draw, I thought good to ſignify the ſame unto you; praying you in caſe they winne this way, ye ſend ſome relief out of your office; and if they repair towards you, I ſhall be ready to ſend that way ſuch a company as I doubt not but ye will be ſatisfied. Thus I am the more earneſt, becauſe as ye know the ſtate of the realm, it is wiſdom to foreſee the worſt, and to defend theſe parts for our own diſcharge, which as far as my power will extend ſhall not be lacking to do, that ſhall be moſt and beſt for the ſervice of the king's majeſty; and ſo I truſt your lordſhip will do the like. And thus I wiſh your lordſhip well to fare. From Berwick the 18th of October 1549.

Your good lordſhip's aſſured friend,
Herry Rutland.

Lord Dacre *to the earl of* Rutland.

To the right honourable the earl of Rutland, *&c.* in haſte, haſte, poſt haſte, with all diligence poſſible.

Right honourable and my very good lord, after my right hearty commendations; I have received your letters of the 18th of this inſtant, and like as I look if the army of Scotland ſhould march towards theſe borders to have competent ſupply of your lordſhip; even ſo if they come to your marches, I have already taken order, how ſuch relief as may be furniſhed within this office ſhall repair unto you. Aſſuring your lordſhip further, that ye ſhall not fail to find me in all things both ready and willing to my power, to advance the king's majeſty's ſervice as ſhall appertain; and ſo much the rather, conſidering the ſtate of the realm, as in your ſaid letters is expreſſed. And yet, as I have advertiſement, all things (thanks to God) be in ſuch caſe at this preſent, that neither we need

 greatly

greatly to doubt the ſequel thereof, nor our enemies thereby take any hope of advantage, but all to be well and quiet, which I pray God ſend. Thus, advertiſing your lordſhip that ye loſe much time in my letters to Newcaſtle, but that the poſt of Morpeth ſhould convey them to Hexham *; I commit your lordſhip to the tuition of almighty God. At the king's majeſty's caſtle of Carliſle the 22d of October 1549.

Your good lordſhip's own aſſured,
W. Dacre.

The *Council to the lord* Dacre.

To our very good lord the lord Dacre, lord warden of the Weſt Marches, in haſte, haſte, for thy life, poſt haſte.

After our moſt hearty commendations unto your good lordſhip, Underſtanding by your letters of the 8th of this inſtant, that the Scots have made proclamation for aſſemblies of men, minding as they bruit to invade England; albeit we doubt not but your lordſhip doth ſo conſider all things, as you will be ready to the defence of your charge as much as may be in you, yet for that ye write that ſome part of the walls of Carliſle be fallen down, we have thought good to put your lordſhip in remembrance, both to cauſe the dyke be cleanſed, and all other things foreſeen and done as may be moſt for your ſurety: And alſo to advertiſe you for your better aid, you may have 800 Almains, which be now in their journey northward; for whom, if ye mind to have their ſervice, you muſt cauſe victuals to be provided; and advertiſing us with ſpeed what ye will do therein; we will give undelayed order for their coming to you. In the mean time, we eſtſoons pray you foreſee your things with your accuſtomed diligence. And in caſe of any ſuch need you may confer by letters with our very good lord the earl of Rutland, for having or giving ſuccours the one to the other, as the caſe ſhall require. Thus fare your good lordſhip moſt heartily well. From Windſor the 13th of October 1549.

Your lordſhip's aſſured friends,
Thomas Cant', R. Rich Canc', W. Seinctjohn, W. Northe, John Warwyke, F. Shrewſbery, Thomas Southampton, Anthony Wentworthe, Thomas Cheyne, William Pager, William Petre.

P. S. We wrote of late unto you of our doings touching the duke of Somerſet; wherein albeit the ſaid duke, for maintenance of his former and ill doings, travailed as much as he might to ſtir the people and make tumults, yet the king's majeſty's perſon (thanks be to God) is in ſurety, and the duke committed to ward according to his deſervings, without any ſtir. Which things being thus well begun, ſhall, we truſt, turn to the great quiet and commodity of the whole realm.

As for the device of an enterprize upon Loughmaben, *&c.* ye may defer it to a more proper time.

* Diſpatches of the utmoſt importance appear all along to have been intruſted to the ordinary conveyance of the poſt.

Earl

EARL *of* Rutland *to the lord* Dacre.

To our very good lord the lord Dacre, lord warden of the Weſt Marches; haſte, haſte, poſt haſte, for thy life, for thy life, for thy life.

AFTER our moſt hearty commendations unto your lordſhip, Where we are preſently advertiſed that the enemy intendeth to attempt ſome of the king's majeſty's places or to invade his realm, and in ſuch a readineſs for the ſame as they have taken all the oxen of Howdyam for drawing of their artillery, and to ſet forward towards us upon Monday next: Wherefore this ſhall be to require your lordſhip to put your whole power in ſuch a readineſs, as they may draw themſelves to be at Warke upon Tueſday night next coming, whereby to defend and ſafeguard the king's majeſty's realm and places in Scotland. We think it good ye gave knowledge unto my lord Bothwell, ſo as he may join together with your powers, and to come forward. And if the enemy do alter his purpoſe, and come towards you, your lordſhip ſhall be ſure we will not fail to come unto you for your better relief. And thus we deſire your lordſhip to uſe a great diligence for the better ſervice of the king's majeſty in the ſame. And thus we bid your lordſhip heartily well to fare. From Berwick the 25th of October 1549.

Your loving friends,

Herry Rutland, Thos Holcroft, John Harrington, Francis Leek.

P. S. We are informed the ſtay of the enemy hitherto hath been, for that the earls of Huntley and Argyle as yet be not come on this ſide Sterling; and that the earl of Argyle hath loſt a great number of his company by water.

LORD Dacre *to the earl of* Rutland.

To the right honourable and my very good lord the earl of Rutland, lord warden of the Eaſt and Middle Marches for anempſt Scotland; in haſte, poſt haſte, with all poſſible diligence, haſte, haſte.

RIGHT honourable and my very good lord, after moſt hearty commendations, This preſent day at eight of clock at night I received your letters of the 25th of this inſtant, having no little marvel, that letters of ſuch importance ſhould come with ſo ſmall ſpeed, the default whereof were meet to be examined amongſt the poſts as convenient leiſure ſhould ſerve thereunto: Advertiſing your lordſhip, that having ſpials about the Scottiſh army, who I truſt will bring me word and knowledge what way they draw, as ſoon as they proceed in the purpoſed enterprize; if they come towards your charge, I ſhall ſupply you with all the tried horſemen within this wardenry, whom I have appointed to wait on my ſon George for the ſame, being the power on theſe borders that are able to do you any ſervice, which I truſt ſhall be addreſſed thither in ſuch ſort as they may be with you in good time. And as for the footmen,

they

they dwell ſo far off, that firſt coming hither by general warning, and then to repair unto you, they ſhould neither come in due time, nor yet upon their arrival be able to ſerve after ſuch ſore travel, without furniture of victuals, being uncertain as yet what way they will draw. And beſides that the country of the enemy adjoining, as I am informed by my ſpials, be very few ſtirred or called off the borders, I have thought it not convenient utterly to diſfurniſh theſe frontiers. Not doubting if they ſhall make their enterpriſe upon the ſame, but your lordſhip will remember me with a ſupply as ſhall appertain. And according to your letters, I have given knowledge to the earl Bothwell this night by poſt. Thus I beſeech the living Lord preſerve your lordſhip in health, with proſperous ſucceſs in all affairs. At the king's majeſty's caſtle of Carliſle the 27th of October 1549.

Your good lordſhip's own aſſured,
WILLIAM DACRE.

THE *earl of* Rutland *to the lord* Dacre.

To our very good lord the lord Dacre, lord warden of the Weſt Marches for anempſt Scotland; in haſte, haſte, poſt haſte, for thy life, for thy life, haſte, haſte.

AFTER our hearty commendations, This day we received your lordſhip's letters of the 27th of this inſtant, wherein we perceive the ſlowth of the poſts, which indeed hath continued now for a long time, and ſurely we will be glad to remedy the ſame as we may, if your lordſhip will for your part do the ſemblable. As for the arreadineſs of your horſemen, we like well; and the coming of the footmen, as you ſay they ſhould be to ſmall purpoſe, therefore we be in opinion that for them to remain for the defence of that border, order be taken. Nevertheleſs, perceiving the enemy have deferred their purpoſe, we believe they will not come at all into England; but if they come forwards, they will no further than Lauder. Howbeit, becauſe we be uncertain of them, and doubting as yet which way they will draw; if they come towards you, we ſhall relieve you both with horſemen and footmen, praying your lordſhip in caſe we come that way, ye will take order for a ſufficient maſs of victuals; and upon their drawing towards us, we truſt ye will ſend your power as ſhall appertain. And as you hear of the enemy, ſo we pray you advertiſe us with ſpeed. Thus fare your good lordſhip right heartily well. From Berwick the 29th of October 1549.

Your good lordſhip's own aſſured,
Herry Rutland, Thomas Holcroft, John Harrington,
Francis Leeke, James Crofte.

The truth was, the privy council, after their reaſſuming the reins of government, laboured hard for a peace, which was then well nigh effected, between England and France, in which Scotland was included.

But

But the ordering of the DEBATEABLE LAND happening not to be provided for in the treaty; it became a further bone of contention between the two ſnarling parties, as will appear from ſome few other of the lord Dacre's letters as followeth:

LORD Dacre *to the lord* Maxwell.

To the right honourable the lord Maxwell, warden of the Weſt Marches of Scotland anempſt England.

AFTER my lawful commendations unto your lordſhip, Whereas the ſame hath heretofore written as well unto me as to my ſon in mine abſence, for a meeting on the Marches to redreſs injuries committed ſince the concluſion of the peace, for the better confirmation and performance of the ſame, which I am ready on my part to accompliſh accordingly upon any convenient day to be appointed thereunto; nevertheleſs, ſince my return into the country, I am informed that ye go about, contrary to the effect of your ſaid letters, to levy a power to devaſt the batable land, miniſtring thereby ſuch occaſion of pik as I would wiſh your wiſdom ſhould foreſee, and conſider to what inconvenience and end the ſame may grow: Aſſuring your lordſhip, that like as I never thought to attempt or procure any matter to the violation or breach of the peace, but rather to travel with my little power to continue the ſame to the glory of God and the preſervation of the common-wealth, whereunto every good man ought to have ſpecial regard; even ſo, foraſmuch as I know not the king my ſovereign lord and maſter's pleaſure therein, for the which I have preſently written, looking for ſuch advertiſement in that behalf as ſhall ſtand with the concluſion of the peace and your lawful contentation, by which concluſion all forts and pieces comprehended within the ſame have been delivered and not taken by force, I am determined by God's grace according to my duty of allegiance (if ye proceed to your pretenced purpoſe) to reſiſt your violence and force as occaſion ſhall require; truſting that as my cauſe, ſo ſhall I be able to defend the ſame as appertaineth. Thus I commit your lordſhip to the tuition of almighty God. From the king's majeſty's caſtle of Carliſle, the 7th day of Auguſt 1550.

Your lordſhip's lawfully,
WILLIAM DACRE.

LORD Maxwell *to the lord* Dacre.

To the right honourable my lord Dacre lord warden of the Weſt Marches of England.

AFTER my leful commendations, This is to certify your lordſhip I am commanded by my lord governor and lords of the ſecret council to advertiſe you, there is a power of men to be raiſed for ſuppreſſion of ſuch fugitives, themſelves, houſes, and goods, as do now preſently inhabit the batable ground, contrary

contrary to the virtue of the peace, and the ancient cuſtom that hath been uſed on theſe borders, as the ſaid fugitives do daily trouble the true ſubjects of this realm, and as far as in them lies give occaſion to break the peace. My lord, our repairing to the batable land is for no annoyance nor moleſtation of the king your ſovereign's realm nor ſubjects, neither are we minded to proceed in any ſort farther than we have been accuſtomed to do in the late peace. And what will be your part with the ſubjects under your charge in theſe the premiſſes above written, I deſire you to give me advertiſement in writing by this bearer John Ireland. Thus I beteich you to God. From Loughmaben this 9th of Auguſt 1550.

Yours lawfully,
ROBERT MAXWELL.

LORD Dacre *to the lord* Maxwell.

To the right honourable the lord Maxwell, lord warden of the Weſt Marches of Scotland.

AFTER my leful commendations unto your lordſhip, Perceiving by your letters that ye are determined according to the council's direction (as you ſay) to proceed to your purpoſed enterprize, without reſpect to what inconvenience the ſame may grow, whereof I do not a little marvel, that their wiſdoms will miniſter ſuch occaſion of breach of the peace which I would be loth ſhould happen, eſpecially on theſe marches where I have charge. And therefore I have already required you by my laſt letters to ſpare your proceedings therein, with conſideration of the ſequel of the ſame, till I may know the king's majeſty my maſter's pleaſure in the premiſſes, which I look for within theſe eight days, and thought ye would have done accordingly; aſſuring your lordſhip that my lords our fathers have uſed (which I have ſeen) in time of war to take abſtinence till the king their maſter's pleaſures were known, ſometimes by the ſpace of two months, for matters of weightier importance than this is. Not doubting but ye will conform yourſelf thereunto accordingly. And thus I commit your lordſhip to God. From Carliſle the 9th of Auguſt 1550.

Your lordſhip's lefully,
W. DACRE.

LORD Dacre *to the Privy Council.*

To the right honourable and my ſingular good lords, the lords of the king's majeſty's moſt honourable privy council; haſte, haſte, poſt haſte, for thy life.

MAY it pleaſe your honourable lordſhips to be advertiſed, that ſince my late arrival in theſe parts, I have been credibly informed by my ſpials, that the governor and council of Scotland go about to levy a power to deſtroy and burn the batable land; whereupon I addreſſed my letters unto the lord Max-

well, a copy whereof I ſend your lordſhips herewith, which he hath ſent to the governor by poſt, but as yet hath received no anſwer again, as he hath advertiſed me by his meſſenger who brought me the letters here incloſed; whereby, and by my ſpials, I do perceive that they intend indelayedly to proceed to their purpoſed enterprize; whereunto, as I have written to him, I am determined with God's grace and the power of theſe borders to make ſuch reſiſtance as I can, according to your late letters to me directed for the ſame, bearing date the 22d of May laſt, if upon my further requeſt they do not deſiſt and forbear: Humbly beſeeching your lordſhips to advertiſe me of your determinate pleaſure herein with all poſſible haſte.—I am credibly informed, that certain of the brethren and ſons of Richard Greyme, and divers others dwelling upon the batable land, are determined to become Scotchmen, if England do not reſiſt the enemy, and aid them as occaſion ſhall require; and ſo they have declared to their friends of England. As knoweth almighty God, who proſper your honourable lordſhips with increaſe of honour. From the king's majeſty's caſtle of Carliſle the 9th of Auguſt 15[illegible]0.

Your honourable lordſhips at commandment,

WILLIAM DACRE.

LORD Dacre *to the Privy Council.*

To the moſt honourable and my ſingular good lords, the lords of the king's majeſty's moſt honourable privy council; haſte, haſte, poſt, for thy life haſte.

MAY it pleaſe your honourable lordſhips to be advertiſed, that on the 12th of this inſtant in the morning, the lord Maxwell with the lord Johnſton and a band of 400 horſemen, with a power of Scotland to the number of 2000, came to the batable land, to a houſe of Sandie Armſtrang; which houſe I had cauſed, for fear of raſing with gunpowder, to be filled with peats and turves, and fire to be put to them, ſo that no powder could be put to it. And having no knowledge from your lordſhips, nor anſwer of my ſeveral letters for this purpoſe, whereof I am much amarvelled, the juſtices of aſſize being here preſent I could not well know what ſhould beſt be done, either to reſiſt them with force (which ſeemed your pleaſure in your former letters), and ſo to have adjourned the aſſizes, which ſhould have been inconvenient, conſidering that in three years before there was none aſſize nor gaol delivery here, and alſo thereby to put in danger the peace lately concluded, or elſe to ſuffer ſuch as have uſed themſelves as ſubjects to the king (whom by your letters I was commanded to defend) to be devaſted. Yet as the things ſtood, thinking to do good both ways, I ſent my ſons and Sir Thomas Dacre with a company of horſemen and footmen with them to the Borders, commanding them without great occaſion not to paſs the bounds of England; and I remained in Carliſle with the reſt of the power, ready to ſet forth as I ſhould be occaſioned, and willed the judges to proceed to the aſſizes. And as in all my former letters to the lord Maxwell, I declared that I muſt defend the king's ſubjects, even ſo

now I cauſed my ſon to ſend a meſſage to him (either power looking upon the other) that I was amarvelled of his uſage of any ſuch force, conſidering the peace; and that the councils of both realms had not concluded any ſpecial appointment for that purpoſe. Whereupon ſeeing they could not raſe the houſe, by reaſon of the fire that was put in and about it by my commandment, and thinking by likelihood they ſhould not work all their will without reſiſtance, they returned without doing any harm, ſave the burning of a thatched cote houſe that the Frenchmen burnt. And no Engliſhman had to do with them, either in pricking or otherwiſe; but they of the debatable land pricked with them and have taken three or four of them. Beſeeching your lordſhips, that as well in this for the time to come, as alſo in all ſuch matters of importance coming upon a ſuddenty, I may be anſwered and know your pleaſures, with more expedition than I have had heretofore; otherwiſe I ſhall be driven in ſuch things, either to jeopard the violation of the peace (if they intend to pick it), or elſe the diſhonour of the king's majeſty and the harm of theſe his marches. It ſhall be moſt neceſſary I know your pleaſures in the batable land, ſpecially now at our meeting for redreſs. For neither I will ſuffer the warden of Scotland to anſwer for it, becauſe I will not affirm it to be Scotland; nor will they on the contrary conſent that it ſhall be England: which unprovided for, ſhall bring the marches in great miſorder, and be occaſion that no redreſs ſhall be had, nor puniſhment for them which be the notable offenders. And thus I commit, *&c.* From the king's majeſty's caſtle of Carliſle the 13th of Auguſt 1550.

Your honourable lordſhips at commandment,

W. Dacre.

Lord Dacre *to the Privy Council.*

To the right honourable and my ſingular good lords, the lords of the king's majeſty's moſt honourable privy council; haſte, poſt haſte, with all poſſible diligence.

May it pleaſe your honourable lordſhips to be advertiſed, that having in my former letters declared the ſtate of the batable land, and the doings of the Scots againſt the inhabitants thereof; now, ſince the return of the ſaid Scots, Sandye Armſtrang hath been with me, and ſaith how that he perceiveth the Scots to be ſo bent in malice, that they will yet more purſue him, and deſireth me either to promiſe him aid of theſe marches when he ſhall need thereof, or elſe he muſt be forced to take ſuch appointment with Scotland, as he and other dwelling there heretofore for their ſafeguard have uſed to do. Wherein I deferred any anſwer, conſidering I cannot aid him (except there be ſome other concluſion in this peace for the bateable land, than hath been in other treaties before) without the plain violation of the ſame. And if he ſhall turn him for his ſafeguard to Scotland, then the king's majeſty ſhall loſe his ſervice, who hath ſerved very dutifully all the time of theſe wars, and the habitation of that ground where he and his band dwelleth ſhall be very noiſome to this realm.

Wherefore I moſt humbly beſeech your lordſhips, that I may know your pleaſures herein, with ſuch expedition as the importance thereof doth require. Furthermore, Monſieur De Fermes the lieutenant of the Frenchmen was at the time of this aſſembly at the Armitage my lord Bothwell's houſe, and there hath cauſed hay to be won, to the intent (as it ſeemeth) for the furniture of ſome horſemen that they purpoſe to place there this winter ſeaſon. And thus I commit your lordſhips to the tuition, &c. From the king's majeſty's caſtle of Carliſle the 15th of Auguſt 1550.

Your honourable lordſhips at commandment.

WILLIAM DACRE.

THE *Privy Council to the lord* Dacre.

To our very good lord the lord Dacre, lord warden of the Weſt Marches of England for anempſt Scotland, haſte, with all poſſible diligence.

AFTER our right hearty commendations to your good lordſhip; Upon the advertiſement given us by your laſt letters of the preparation made by the Scots to invade the batable ground, we have certified the French ambaſſador of it, who hath alſo received letters out of Scotland conformable to your ſaid advertiſement. And nevertheleſs he hath diſpatched in poſt a ſervant of his into Scotland with letters, to ſee whether he can ſtay them of their purpoſe. And although we would your lordſhip ſhould provide as much as lieth in you, that no occaſion be given them on your behalf to attempt any ſuch thing, yet in caſe they will needs go through with it, we think it meet (as we wrote to your lordſhip before) that you reſiſt and lett them by force again, if you find and perceive yourſelf ſtrong enough and able to do it. And likewiſe we require you to take good heed to all other the king's places committed to your charge, leſt the Scots might bear you in hand one thing and mean another. Aug. 17, 1550.

Your lordſhip's loving friends,

W. Wilteſhire, J. Warwick, E. Clynton, G. Cobham, A. Wingfield, N. Wotton.

P. S. After the ſigning of theſe letters, we received your lordſhip's packet, with letters of yours dated the 13th of this inſtant; and your wiſe handling of the matter being ſo agreeing with that we determined here, we commend the ſame very much, giving you our hearty thanks for the ſame. Whereas ye find fault with the ſlack arrival of our letters for your addreſs in this matter, ye ſhall perceive by the contents of this letter, what occaſion hath been of this leiſure taken.

PRIVY

PRIVY *Council to the lord* Dacre.

To our very good lord the lord Dacre, lord warden of the Weſt Marches anempſt Scotland; haſte, haſte, poſt haſte, with all diligence poſſible.

AFTER our hearty commendations unto your good lordſhip, we have received your letters of the 15th of this inſtant; and as for Sandy Armſtrang, for the conſiderations by your lordſhip rehearſed, we think it meet to comfort him to continue faithful and true towards the king's highneſs, and that you promiſe to aſſiſt and ſuccour him, as far forth as he himſelf (as the king's ſubject) attempt nothing contrary to the comprehenſion of the Scots made in the laſt treaty with France. And as for the debatable ground, your lordſhip hath been advertiſed ere this, that by the laſt treaty the king's highneſs is only to redeliver certain forts which are already redelivered, and to raſe two other, the Scots doing the like for their parts, which things are already performed. And as for the reſt, ſeeing no mention is made of it, the king's highneſs ought to remain in peaceable poſſeſſion of all that whereof he was in poſſeſſion at the date of the ſaid treaty: and ſo may you declare unto them, when you ſhall have any occaſion ſo to do. In the mean ſeaſon ye ſhall do well to defend the debatable ground, as far as ye ſhall be able to do it; having conſideration to the king's honour. Thus fare your lordſhip heartily well. From Oking the 21ſt of Auguſt 1550.

Your lordſhip's aſſured friends,
J. Warwick, E. Clynton, G. Cobham, A. Wingfield, N. Wotton.

LORD Maxwell *to the lord* Dacre.

To the right honourable my lord Dacre, warden of the Weſt Marches of England:

AFTER my lawful commendations; It would pleaſe your lordſhip to be advertiſed, that among other gentlemen of this country, I am commanded for one to go with the queen into France, and ſeeing our paſſage is ſo ſhortly that I may not have the time to meet your lordſhip at a day of Marche, for the reforming of ſuch attempts as are done on both the Borders, I am deſirous, if it be your pleaſure, to wait upon you on Friday next, to come to Tordawath at eight o'clock before noon, in quiet manner, with fifty horſe, to the intent that we may commune together for the better ſtay of both the princes ſubjects. My lord, it is not unknown to you, as I truſt, that there is a conduct granted for 200 horſe of the queen's company to go through England; and as ye know it is a far way to me to ſend my horſe about by Berwick, wherefore I will deſire, if it be your pleaſure, that ye will ſuffer four horſe of mine and two ſervants to go in at Cariſle hand, and meet with the reſt of the queen's horſe at Borrowbriggs. And what your pleaſure is in theſe the premiſſes, I pray you

you give me advertiſement with ſpeed; for I muſt ſhortly depart, it requires no leſs. And thus I beteich you to God. From Dumfries this Wedneſday at night the 27th of Auguſt, 1550.

Your lordſhip's lefully.
R. MAXWELL.

LORD Dacre *to the lord* Maxwell.

To the right honourable lord Maxwell lord warden of the Weſt Marches of Scotland.

AFTER my lefull commendations to your lordſhip, theſe ſhall be to advertiſe the ſame, that I am very well contented (according to your requeſt) to meet you with ſuch like company as your letters do purport on Friday next at Tordawath, for reformation of injuries, and eſtabliſhing of quietneſs, as need ſhall require. And herein incloſed ye ſhall receive a conduct to Borrowbriggs, according to your letters. Committing your lordſhip thus to almighty God. From Naward the 28th of Auguſt 1550.

Your lordſhip's lefully,
W. DACRE.

A PROCLAMATION.

THE 29*th of* Auguſt, *Anno Regis* Edwardi *ſexti quarto* 1550, *on* Roucliffe *ſands.*

WE do you to wit, this day it is agreed between us the lords wardens of the Weſt Marches of England and Scotland and of Scotland and England, that either of them ſhall ſend to the other on Sunday come eight days, being the 7th of September next, ſuch plaints as the inhabitants of either wardenry have to exhibit againſt the other, for any matter committed ſince the laſt comprehenſion of the peace; the bills of England to be ſent the ſame day to Loughmaben, and the bills of Scotland to Carliſle. And for the ordering and redreſs of the ſame, they have appointed Tueſday the 16th day of September, to meet at Loughmaben Stone, either in their own perſons, or their ſufficient deputies. And in the mean time, the ſaid lords wardens do ſtrictly charge and command in both the princes names, all and every perſon and perſons within their ſeveral wardenries, that they obſerve and keep the peace according to the ſaid comprehenſion.

LORD Dacre *to the Privy Council.*

To the right honourable and my ſingular good lords, the lords of the king's majeſty's moſt honourable privy council; haſte, poſt haſte, with all poſſible diligence.

MAY it pleaſe your honourable lordſhips to be advertiſed, that this day the lord Maxwell and I met at Gotewath for communication of matters requiring redreſs.

redreſs. And foraſmuch as the country had no perfect warning of the ſame, becauſe it was ſuddenly appointed upon the requeſt of the lord Maxwell, becauſe he is commanded to wait upon the queen, we took order that we ſhould make proclamation in our ſeveral charges, that all ſuch as had cauſe of complaint for injuries committed ſince the concluſion of the peace, ſhould make ready and deliver their bills before Sunday the 7th of September to the ſaid wardens or their deputies: And either of us to ſend them interchangeably to other; that the defendants may be commanded to anſwer the ſame as appertaineth, the 16th day of September next, being a day appointed for redreſs of the ſame. Amongſt which, the lord Maxwell demanded, what anſwer I had from your lordſhips for the batable land; whereunto I made anſwer according to your letters to me addreſſed for that purpoſe, and that I would anſwer and do as well for the king's majeſty's ſubjects inhabiting upon the ſame, as for the reſt of this wardenry. Which he ſeemed to take ſtrangely, ſeeing that he would make no redreſs again to any of them. And according to the ſame, I have learned by a truſty ſpiall of mine, that their intent is either to have the batable land uſed as it hath been in other times of peace, and the Cawe milns reſtored again, or elſe to break the peace (yet ere Martinmaſs). And further he ſaith there are ſix gallies come for the Scottiſh queen, which have been ſo ſore driven and troubled with weather, that they were forced to caſt a great number of ſlaves overboard, and one of the gallies driven from the reſt was yeſterday unſeen or heard of. At Carliſle the 29th of Auguſt 1550.

Your honourable lordſhips at commandment,

W. Dacre.

Lord Dacre *to the Privy Council.*

To the right honourable and my ſingular good lords, the lords of the king's majeſty's moſt honourable privy council; haſte, haſte, poſt haſte, with all poſſible diligence, haſte, haſte.

May it pleaſe your honourable lordſhips to be advertiſed, that yeſterday, according to the late appointment between the lord Maxwell and me, my ſon in my place, and John Maxwell deputy for the lord Maxwell, met at Loughmaben Stone to keep the day of March. And before their meeting, according to the cuſtom, ſent for aſſurance of peace interchangeably. And whereas it hath been uſed in times paſt, that the ſaid aſſurance was aſked and granted on both parts, before the lord warden of England paſſed over the water; I thought it meet now, for the better maintenance of the king's title and intereſt of the debatable land to go over the water unto the ſame batable, before we either demanded or granted any aſſurance; where the ſame was accompliſhed accordingly, and ſo proceeded to the place prefixed. Where divers bills of injuries were exhibited by both parties, and put to the juries to inquire upon. And becauſe they refuſed to make redreſs to Sandy Armſtrang and others dwelling upon the batable, mine officers there preſent thought it not meet to grant nor take any redreſs of other bills; and ſo condeſcended to appoint another

another day, the 2d of October next, further to proceed in thoſe bills already exhibited, and all other then as occaſion ſhall require. Wherefore I humbly beſeech your lordſhips to advertiſe me of your pleaſures in the mean time, whether I ſhall take or give any redreſs for other bills, unleſs I may have alſo redreſs of the injuries committed to the inhabitants of the batable land, for they will grant no redreſs of the ſame. And I, on the other part, am ſo perſuaded by your late letters for that matter, that I determine to take nor grant no redreſs of the reſt, unleſs I may have redreſs for the ſame accordingly. I am informed by a credible ſpiall, that the French king hath written unto the governor of Scotland, that rather than the Scots ſhall loſe any part of their poſſeſſions, or ſuffer either the batable land aforeſaid, or the lands called the Threpelands between Bowbent and the Ryding burne on the Eaſt March, to be otherwiſe uſed than hath been in times paſt, he will ſpend the revenues not only of Scotland but alſo of the crown of France in defence of the ſame; wherein I perceive the Scots take great courage. And thus almighty God, &c. At the king's majeſty's caſtle of Carliſle the 17th of September 1550.

Your honourable lordſhips at commandment,

W. Dacre.

The *Privy Council to the lord* Dacre.

To our very good lord the lord Dacre, lord warden of the Weſt Marches for anempſt Scotland; haſte, poſt haſte, for thy life, for thy life.

After our right hearty commendations unto your good lordſhip, we have received your letters of the 17th of this inſtant, by the which we do underſtand the manner of your doings at the laſt appointment with the lord Maxwell. And where they refuſe to make redreſs to Sandy Armſtrang and others dwelling upon the debatable ground, we do like very well your anſwer therein. And if they ſhall remain of the ſame mind at the next meeting, you ſhall for anſwer ſay unto them, that by the treaty between the king's majeſty and the French king, both the debatable ground, and ſuch others as be not otherwiſe ſpecially provided, be and ought quietly to remain in the king's majeſty's ſubjects poſſeſſion and occupation. And foraſmuch as the ſaid treaty was made with France, and the Scots only comprehended, the conſideration thereof ought to be with France; wherein we doubt not but ſuch end ſhall be taken, as is agreeable both with the meaning of the treaty and with reaſon, either at the coming of the Scottiſh commiſſioners, which (as we have heard) be in journey hitherwards, or ſhortly after, in conference between the king's majeſty's commiſſioners and the French king's: In the mean time, if they will offer injuries to Armſtrang or any other dwelling upon the debatable ground, ye muſt and will defend the ſame; and if they will forbear, and do juſtice to them and all others the king's ſubjects, then will ye likewiſe do the ſemblable, otherwiſe you may ſay you will not. And then if any inconvenience ſhall enſue by this their refuſal, the fault muſt be imputed to them. And this anſwer we think good

good to be made at your ſaid next meeting. And thus fare you heartily well. From Oteland the 25th of September 1550.

Your loving friends,
E. Somerſet, W. Wilteſhire, W. Northe, A. Wingefield,
W. Petre, W. Cecylle.

These commiſſioners brought about a compromiſe and partition. And on the 8th of March following there is a commiſſion to the aforeſaid lord Wharton and Sir Thomas Challoner on the part of the king of England, and a like commiſſion was granted to Sir James Douglas of Drumlangrig and Richard Maitland of Lethington on the part of the queen of Scotland, for the partition of the ſaid debatable land (in order to prevent contentions); who made their award Sept. 24, 1552, ſetting forth, that whereas the inhabitants of the weſtern part inclined more to be ſubjects of England, and the inhabitants of the eaſtern part inclined more to be ſubjects of Scotland, they therefore award the weſtern part of the ſaid debatable land to the king of England, and the eaſtern part thereof to the queen of Scotland; to be divided by a line drawn acroſs from Eſk to Sark, and a ſquare ſtone ſet up at each end with the arms of England on the weſt thereof, and the arms of Scotland on the eaſt ſide. And leſt the ſtones by length of time or evil practice ſhould be deſtroyed or removed, they deſcribe the places where the ſtones were to be ſet, *viz.* the ſtone upon Eſk to be where the courſe of that river bends at the weſtern ſide of a field called Dymmiſdaill, where Dymmiſdaill ſyke comes in; and the ſtone upon Sark to be at a red cliff in Kirkrigg, where alſo the water of Sark makes a turn *.

But after all theſe treaties of accommodation and concord, there was no peace to the Borders. The inhabitants on both ſides continued their ravages unintermittedly as before; for they had been inured to no other kind of living. And the queen of Scotland being gone into France, there was a ſort of anarchy in that kingdom, by reaſon of the contentions and competitions amongſt the nobility; and the Engliſh borderers no leſs availed themſelves of thoſe times of confuſion. The aforeſaid Mr. Bell hath exhibited liſts of ſome hundreds of the Engliſh ſide that were complained of by the Scots for depredations (and, no doubt, there were as many on the other ſide). Out of the ſaid Mr. Bell's liſt, we ſhall preſent the reader with the following ſpecimen:

Cumberland and Weſtmorland. } The collection of the names of the principal offenders, that were preſent with their complices, at the incurſions, murders, burnings, mutilations, and ſpoils committed preſently after the queen's majeſty's departure, and contained in the bills of complaints exhibited to the lord biſhop of Carliſle.

Simon Muſgrave of Firbank.
Lard of Pattinſon.
Jock of Kinmont.

* Appendix, No. I.

Will's Arthur.
Richie Grame of Bailie.
Will's Jock Grame.
Richard Grame of Akeſha-hill.
Adam Grame of Hall.
Richie of Buſhe.
Fargue's Willie Grame.
Geordie's Chriſtie.
Black Jock's Johnie.
George Grame of Sandhills.
Dick's Davie's Davie.
Georgie Armſtrong of Catgill.
Hector of Harelawe.
Emie of Gingles.
Mickle Willie Grame.
Richie's Geordie.
Will Grame of Roſetrees.
Will Grame brother to Hutchin.
John Muſgrave of Catterlen.
Gib's Jack's Johnie.
Tom's Robbie.
Patie's Geordie's Johnie.
Young John of Woodhead.
Richie Grame ſon of Goodman of Breckonhill.
Young lard of Graitney.
Archie of Gingles.
Jock of Gingles.
Black Jock's Johnie.
Black Jock's Leonie.
Will's Jock.
Richie Grame younger of Netherby.
Sandie's Rinyon's Davie.
Gibb's Geordie's Francie.
George of the Gingles, *alias* Henharrow.
John Nelſon curate of Bewcaſtle.
Jock of the Lake's Chriſtie.
John Noble, *alias* Langfoot.
Wat Grame ſlaughtail.
Will Grame (nimble Willie).
Will Grame (Mickle Willie).
Will Patrick prieſt of Bewcaſtle.
Black Will Storie of Bewcaſtle.
John of the Side (Gleed John).
Red Rowy Forſter.

With about 400 more.—The reaſon why they are ſtyled in this extraordinary manner is very evident: Abundance of them having the ſame ſurname (as

(as the Grames, for inſtance), where it happened that ſeveral of theſe had alſo the ſame chriſtian name, ſome other diſtinction became neceſſary.

About this time, the lord Dacre was removed from the wardenſhip, and the lord Wharton came in as deputy warden general of all the three marches, under the duke of Northumberland head warden; the lord Eure, lord Ogle, and Sir Thomas Dacre (of Lanercoſt), being then deputy wardens under him of the Eaſt, Middle, and Weſt Marches.

Upon his acceſſion to the office, he took order for watches to be kept all along throughout all the three marches from ſea to ſea; together with other regulations as followeth:

Articles deviſed at Newcaſtle the 12th and 13th of September, in the 6th year of the reign of our ſovereign lord king Edward the ſixth.

At conſultation there, it was thought good by the lord *Wharton*, lord deputy warden general, the three deputy wardens, with the captains of *Carliſle*, *Norham*, *Wark*, and others, wiſe and moſt expert gentlemen of all the three marches, for better ſervice of the king's majeſty, and the peace and quiet of the frontiers, that theſe articles ſhould immediately be put in execution.

Firſt, that watches be appointed for the inhabitants of the ſaid marches, and the places, with the numbers of the watches, with ſetters, ſearchers, and overſeers, according to the ancient cuſtoms of the marches.

Alſo, That every man do riſe and follow the fray, upon blowing of horn, ſhout, or outcry; upon pain of death.

Alſo, That no man receive, harbour, lodge, or by any means aid or comfort any rebel, fugitive, felon, murderer, Engliſhman or Scotchman, or practiſe with them; upon pain of death.

Alſo, That every gentleman and ſubject give information of any thief or receivers of theft, to their knowledge, to my lord deputy warden general, or to the deputy wardens of the Weſt marches, or to the ſheriff of the county where the gentleman or ſubject dwelleth.

Alſo, That no man practiſe with rebel, thief, nor murderer; but that the ſame be opened to my ſaid lord deputy general.

Alſo, That all days of marches appointed be kept; and none to be broken nor put over of any theſe three marches of England; and all the marchers to attend their deputy wardens at the ſame, and other their commandment, according to their duties.

Alſo, that every deputy warden ſhall within ſeven days give in writing all the attempts committed as well againſt Scotchmen as againſt Engliſhmen, to my lord deputy warden general, or one of the wardens within their own offices.

Alſo, That all other officers, captains, and gentlemen ſhall abide and dwell upon their own offices, and at their own houſes.

Alſo, That no ſubject ſpeak with any Scotchman, except upon licence ſo to do, of my lord deputy warden general, or of the deputy wardens within their own offices.

Alſo, That every captain and every officer and gentleman ſee their ſoldiers and tenants, and ſuch as are under their rule, be well horſed, according to their duties and powers.

Alſo, That every officer and gentleman ſhall give knowledge to their ſoldiers, tenants, and every ſubject under their rules, of theſe orders, to the intent every ſubject may uſe himſelf accordingly, and not for want of knowledge run into ſuch pain as ſhall enſue thereon.

THE orders of the Watches upon the Weſt Marches made by the lord *Wharton*, upon the inſtructions aforeſaid, as the deputy warden of the ſame, at Carliſle, in the month of October, in the ſixth year of the reign of our ſovereign lord king Edward the ſixth.

Beginning at the foot of *Levin*, and ſo up *Eſk* to *Liddiſdale*; in *Eſk*, eight ſeveral watches to be appointed, and in every watch two men.

From the foot of *Liddiſdale*, to *Haithwayte* burn fall into *Liddell*, three ſeveral watches; and in every watch two men: *Richard Graham* and his aſſociates, having the king's highneſs's grants in theſe places, nightly to appoint the grounds and places moſt needful to be watched within the ſaid bounds; and theſe watches nightly to be ſearched by the appointment of the ſaid *Richard* and his aſſociates, by two men.

From *Hathwate* burn foot unto the foot of *Cryſſop*, five ſeveral watches, and four men in every watch: And theſe watches nightly to be ſearched by two men appointed at the aſſignment of *John Muſgrave*, the king's highneſs's ſervant.

From the foot of *Cryſſop* unto the head of *Cryſſop*, three ſeveral watches, and in every watch four men; whereof one to be at *Craighill* foot, and the other two beneath: and the ſearchers for every watch nightly to be appointed by the ſaid *John Muſgrave*.

A watch to begin at the head of *Kirkbeck* and go to the foot of *Kirkbeck*, four ſeveral watches, and in every watch two men; the dwellers on both ſides of *Kirkbeck* to watch theſe four watches: and two ſearchers, one thereof nightly to be appointed by the land ſerjeant of *Gilſland* for the time being, and the other by the above named *John Muſgrave*.

From *Kirkbeck* down *Levin* to *Harperhill*, four ſeveral watches; two men in every watch, one half of either ſide *Levin* water, nightly to be appointed by the ſaid land ſerjeant and *John Muſgrave*, and two ſearchers for the ſame.

From *Harper hill* till *Raborn* fall into *Levin*, two ſeveral watches, and two men in every watch: with ſearchers likewiſe to be appointed by the land ſerjeant and *John Muſgrave* aforeſaid.

Aglionby, *Holmend*, and *Warwick*, to watch nightly, three perſons: *Warwick* watch, ſearchers thereof nightly to be appointed by the bailiffs.

Wetheral, *Cothill*, *Corby*, and *Combynton*, to keep nightly three fords, called *Brokelwath*, *Granywath*, and *Monkwath*; four nightly at *Brokelwath*, and two nightly of either of the other two watches: and two ſearchers nightly to be appointed by the bailiffs and conſtables, *Thomas Salkeld* overſeer of the ſaid watch and ſearcher there.

Corby

Corby Minor, and *Brigend*, to watch nightly *Warwick bridge*, and the ford beneath the bridge: and two ſearchers nightly to be appointed by the bailiffs and conſtable, to ſet and ſearch the ſame watch.

Ormeſby and *Mcrethwaite* nightly to keep *Longſtroble* watch, and *Doreſtreme*; with two perſons.

Ainſtable, *Armathwaite*, *Nuncloſe*, and *Hodelcruke*, to keep nightly *Paytwath*, with four perſons: *William Skelton*'s bailiffs and conſtables to appoint nightly to ſet and ſearch the ſaid watch.

Four fords upon *Raven*, to be watched by *Kirkoſwald*, *Laiſingby*, *Glaſſenby*, *Little Salkeld*, *Ulleſby*, *Melmorby*, *Ranwyke*, and *Harſkew*; at every ford nightly four perſons: And the ſearchers to be appointed by the bailiffs and conſtables, upon the overſight of *Chriſtopher Threlkeld* the king's highneſs's ſervant.

Upon *Blenkarn* beck are five fords, to be watched by *Blenkarn*, *Culgaith*, *Skyrwath*, *Kirkland*, *Newbigging*, *Sourby*, *Milburn*, *Duſton*, *Marton*, *Kirkbythore*, *Knock* and *Milburn Grange*; bailiffs and conſtables to appoint ſearchers: Overſeers, *Chriſtopher Crackenthorp*, and *Gilbert Wharton*, the king's highneſs's ſervants.

From the head of *Cardewmire* to *Little Dalſton* bars, the lordſhip of *Dalſton* to watch and keep the Biſhop-dyke, according to their ancient cuſtom in the ſame.

From *Little Dalſton* bars, to the mill dam head of *Carliſle*; *Blackell*, *Blackelwood*, *Brounelſton*, and two *Comerſdails*, to keep the bounds and fords thereabout: *Thomas Dalſton* the king's highneſs's ſervant, to overſee and ſet the watch and ſearch.

From *Laurence-Holme* to the *Morehouſe*, *Laurence-Holm* and *Ulton* to keep watch nightly.

From *Weſtwample* bridge, to the foot of *Shanks*; *Roſſwen*, *Murethwait*, *Woodſide*, and *Kirkwath*, at every place four men: To be appointed nightly by *Robert Briſco* the king's highneſs's ſervant, and *Richard Studholme*; and in like wiſe the ſearch to be appointed by them.

From *Morehouſe* to *Weſtwample* bridge, *Morehouſe* and *Dockwray* to watch.

From *Raburn* down to the foot of *Levin*, ſix ſeveral watches, and four men in every watch, to be charged to keep that watch, *Kirklinton*, *Hotherſgill*, *Soulby*, *Auſtenby*, and thoſe that dwell on the outſide of *Levin* to help them in thoſe watches: The ſearcher thereof to be appointed by *Richard Philipſon* ruler of *Scaleby*, *Edward Story* warden ſerjeant, *George Hetherington* the king's bailiff, and proud *Dick Grame*.

From the foot of *Irding* to the foot of *Gelt*, four ſeveral watches, and four men in every watch; *Over Croſby*, the *Wall*, *Lyverſdale*, and *Irdinton* to keep theſe watches nightly, at moſt doubtful and needful places; the bailiffs and conſtables to appoint ſearchers for theſe watches: Overſeer thereof, *Thomas Blennerhaſſet* the king's highneſs's ſervant.

From *Irdington* upon *Irding* unto *Poutroſs*, ten ſeveral watches, and in every watch four men; with ſearchers nightly, to be appointed by the land ſerjeant of *Gilſland* for the time being, to be watched by the inhabitants near thereabouts.

The foot of *Gelt* unto *Caſtle Carrick*, three ſeveral watches, and four men in every watch; to be watched by *Felton* and *Hayton:* And the ſearchers nightly to be appointed by the land ſerjeant, the bailiffs and conſtables there.

From *Caſtle Carrick* to *Stamford*, above *Braunybank*, four ſeveral watches, and three men in every watch; to be watched by *Talken*, *Caſtle Carrick*, *Cumrew*, *Newbiggin*, and *Abbyfield:* Searchers to be appointed nightly by the ſaid land ſerjeants and bailiffs there.

Etterby watch, and the watch at the *Hogill*, to be watched by *Stainton*, *Heriton* houſes, *Caldyate*, and *Etterby*, and four nightly to keep theſe watches. The bailiff and conſtables to ſet and ſearch the ſaid watch; overſeer, *William Mulcaſtre.*

Stanwix and *Richargate*, nightly to be appointed two men to watch *Eden* bridge, and the watch beneath the bridge: The bailiffs and conſtables to ſet and ſearch the ſaid watch nightly.

Houghton, *Terreby*, and *Brunſketh*, nightly to watch from *Brunſketh* beck to *Goſling* ſike, with four perſons by night: The bailiffs and conſtables to ſet and ſearch the ſaid watch nightly.

Richardby, to watch nightly *Richardby* and the *Stanyholme* watch with two perſons: The bailiffs and conſtables whereof to ſet and ſearch the ſaid watch nightly.

Lynſtoke, *Walbie*, and *Amerſholme* nightly to watch *Lynſtoke* watch and the ford at *Biſhopgarth*, with four perſons: Searchers thereof nightly to be appointed by the bailiffs and conſtables.

Item, *Nether Croſby* to keep the fords to *Warwick* watch, with two perſons nightly.

The barony of *Burgh: Cardronock* ſhall watch to *Bowneſs*;

Bowneſs to watch to *Glaſſon*,
Glaſſon to *Drumburgh*,
Drumburgh to *Eſton*,
Eſton to *Burſtedhill*,
Burſtedhill to *Langburgh*,
Langburgh to *Dykesfield*,
Dykesfield to *Burgh*,
Burgh to *Beaumont*,
Beaumont to *Kirkanders*,
Kirkanders to *Grymſdale*,
Grymſdale to the *Hogill* and *Grymeſdale* watch.
Aikton to *Whytrigg*,
Whytrig to the *Lathes* and *Wampoll*,
Wampoll to *Finlarigg*,
Finlarig to *Little Bampton*,
Little Bampton to *Ughterby*,
Ughterby to *Kirkbampton*,
Kirkbampton to *Thurſtenfield*,
Thurſtenfield to the *Morehouſe*,
The *Morehouſe* to *Wylmorby*,

Wylmorby

Wylmorby to the *Borow*,
The *Borow* to *Little Orton*,
Little Orton to *Mekle Orton*,
Mekle Orton to *Ortonrigg*,
Ortonrigg to *Bawdingholme*,
Bawdingholme to the *Meklehouſe*,
The *Meklehouſe* to *Thurſby*,
Thurſby to *Whynno*,
Whynno to *Croftone*,
Croftone to *Meklethwayte*,
Meklethwayte to *Parton*,
Parton to *Drumlyning*,
Drumlyning to *Gamelſby*,
Gamelſby to *Acton*,
Acton to *Wygynby*,
Wygynby to *Thornby*,
Thornby to *William Carudders*, with the *Woodhouſes*, to keep that between them and the *Woodhouſes*; and the Flat between them and the *Woodhouſes:* Bailiffs and conſtables to ſet and ſearch theſe watches within the barony of *Burgh*. Overſeers, *John Leigh*, the king's highneſs's ſervant and ſteward, with *William Threlkeld* bailiff there.

Brunſketh beneath *Rocliff*, to keep and watch the *Stainwath* and *Irelandwath:* Bailiffs and conſtables to ſet and ſearch, at the overſight of *Robin Grame*. *Peter Grame* and his ſervants to keep the *Layngrake*, and the ford of the *Eſgarth* there nightly.

Roclyff to keep between them and *Cargo*, and *Garwath: John Leighe* the king's highneſs's ſervant, and *William Threlkeld*, overſeers thereof.

The lordſhip of *Holme Cultrayne: Augerton* to keep watch from *Kirkbryde* to *Augerton*. *Newton* to keep watch from the *Moſs ſide* to the town, and from the town to the ſand.

The *Sallcotes* to keep watch from the *Sallcott* to the water of *Waver: Moſs ſide* and *Sletholme* to keep watch from the *Weſt Myer* to the *Salcotts* nightly.

Raby to keep watch from *Raby Rigg* ſyke to *Wetholme* gate.

Swynſty to keep watch from *Cromock* bridge.

Sutterfield to keep watch

And the *High Laws* to keep watch at the *New-couper* cauſey.

Dubmylne, *Sathowe*, and *Old Mawbray*, to keep watch from the *Dubmylne* to the eaſt end of *Old Mawbray* lands.

New Mawbray to keep watch from *Frankhill* to *Mawbray beck*.

Mawbray beck and the *Godyhills* to keep watch from *Mawbray beck* to *Ulſty*.

Ulſty and the *Ternes* to keep watch from *Ulſty* to the *Leys*.

Blatter Leys to keep watch from the *Leys* to *Selythe*.

Selythe, *Harrigge*, and *Dryholme*, to keep watch from *Selythe* to the *Eſtcote*.

Skynburneyes and *Pellathow* to keep watch from the *Eſtcote* to St. *John*'s of the Green.

Sulwath,

Sulwath, *Dalway*, and the *Foalſyke* to keep watch from the *Sulwath* to *Troderſyke*.

Myrchide, and *Chriſtopher Hariſke* with his neighbours of *Whinnycloſe*, to keep watch from the *Staryhill* to *Troderſyke*.

Brownrigge and *Sewell* to watch from the *Brownrigge* kiln to the *Staryhill*.

Sauden houſe and the *Albay Cowper* to keep watch from *Brownrigge* kiln to the *Caſtlehill*.

Alſo, upon the water of *Pettrel*: From *Carliſle* to *Pettrelwray*; bailiffs and conſtables there, with the overſight of the gentlemen of the late prior of *Carliſle* for the time being, or the ſteward of the lands.

And from thence to *Plompton*; overſeer of the ſearch and watch nightly, *John Skelton* of *Appletreethwayt*, and *Thomas Herrington*.

Ednel and *Dolphenby*; Sir *Richard Muſgrave* knight overſeer, his deputy or deputies.

Skelton and *Hutton* in the Foreſt; overſeers thereof *William Hutton* and *John Suthake*.

Newton and *Caterlen*; *John Vaux* overſeer nightly.

Gaytſkaile and *Raughton*; overſeer thereof *Chriſtopher Muſgrave*.

Ivegill, *Braythwaite*, *Myddleſkew*, with the Cloſes; overſeers thereof *Lancelot Lowther* conſtable of *Ivegill*, and *John Hutton* ſteward of *Middleſkew*, or their deputies: And for the ſearch of the watches of all the king's highneſs's lands, called the *Queen's Hames*, the ſteward there, his deputy or deputies, nightly.

From *Dalſton* to *Caldbeck*; *Richard Bewley* overſeer: And from *Caldbeck*, the ſteward there, his deputy or deputies, overſeers.

From the barony of *Grayſtock*; the lord *Dacre*, his ſteward, deputy or deputies, overſeers.

And down between that and the water unto *Wampoll*; the ſteward, Mr. *Foſter* of the Foreſt, their deputy or deputies.

And between *Waver* and *Aill*, as thoſe waters join with the lordſhip of the *Holme*; *Thomas Salkeld*, *William Porter*, and *Gabriel Heymoor* deputy bailiff of *Allerdale*, overſeers; and *Richard Egleſfield* the king's highneſs's ſervant overſeer of them and all that.

Between *Aill* and *Darwen*, as they fall in the ſea; *Thomas Dykes* and *Alexander Appleby* the king's highneſs's ſervants, overſeers: Appointers and ſearchers of that watch, by the advice of *John Leigh* and *John Thwaytes* the king's ſervants.

This watch to begin the firſt night of October, and to continue until the 16th day of March; and the ſame ſooner to begin, or longer to continue, at the diſcretion of the lord warden general or his deputy for the time being.

Alſo, all this watch notwithſtanding, every townſhip aforenamed, to appoint and have a man to watch their town nightly, as well to raiſe frays from other watches as occaſion ſhall be, as for ſafeguard of other towns; to be ſearched by thoſe perſons aforenamed for the other watches.

Alſo

Alſo, all the other towns not aforenamed, every of the ſaid towns next together, to deviſe and ſet their watch without their towns, at moſt needful places, as the bailiffs and conſtables ſhall appoint.

Alſo, every ſuch perſon or perſons as ſhall take any offenders, Engliſhman or Scotſman, within this realm; he or they which ſo doth ſhall have reward of the lord warden general or his deputy, or of them both, as the worthineſs of ſuch good ſervice deſerveth.

Alſo, if any perſon or perſons, at the coming in, or forth going, ſuffer any offender to eſcape, if they may in any wiſe take them; he or they that ſo doth, to be brought by the officers, bailiffs, conſtables, and ſearchers of that watch, to the king's gaol within that county where the ſame ſhall be done; there to be puniſhed according to the laws of this realm, which is felony.

Alſo, if any perſon or perſons come within any of the watches, in the time of their watching; if they be true men known, and that proved, the ſaid watchers ſhall ſuffer them to depart; and if they be unknown, the ſaid watchers ſhall bring them to the bailiffs and conſtables to be tried: And if the ſaid perſon or perſons ſo brought before the ſaid bailiffs and conſtables, cannot try or prove them to be true men, labouring in their true and lawful buſineſs, that then the ſaid bailiffs and conſtables bring the ſaid ſuſpected perſons to the king's highneſs's gaol, there to remain until ſuch time as he or they be lawfully tried by due examinations of the lord warden general, or his deputy, or by the juſtices of peace of that county.

Alſo, the night watch to be ſet at the day-going, and to continue until the day be light; and the day watch, where the ſame is, to begin at the day light, and to continue until the day be gone. And if any perſon or perſons diſobey any of the ſaid watchers, bailiffs, conſtables, ſetters, ſearchers, or overſeers, in or for the execution of the ſaid watch, in any manner of wiſe; he or they ſo diſobeying to be brought to the king's highneſs's gaol, there to be puniſhed at the diſcretion of the lord warden general or of the deputy warden for the time being, where ſuch offence ſhall be done†.

CHAPTER VIII.

Of the ſtate of the Borders during the reigns of queen Mary *and queen* Elizabeth.

THE firſt thing remarkable within this period, was an act of parliament in the 2 & 3 Ph. & M. c. 1. which was in force for ten years, and afterwards continued by an act of queen Elizabeth (with ſome alterations) during queen Elizabeth's life: whereby, for the better habitation, reſtoring, and re-edifying of the caſtles, fortreſſes, and fortelets, villages and houſes decayed, within the counties of Northumberland, Cumberland, Weſtmorland, and Durham,

† Nicolſon's Bord. L. 215. 319.

within twenty miles of the Borders, and for the better manuring and improving the grounds within the ſame, and for the more increaſe of tillage; commiſſioners were to be appointed under the great ſeal, with power to inquire, what and how many caſtles, fortreſſes, and fortelets, villages, houſes, and habitations were decayed, and by whom, and by what occaſions, and how many of them were meet to be re-edified, and what new ones were meet to be made, and where moſt meet to be ſituate, and what parts within the ſaid limits were moſt apt to be incloſed and converted to tillage, and who were the lords, owners, or farmers of the ſame, and what eſtate, term, or intereſt they had therein; and to take order for the execution of the premiſſes, by laying aſſeſſments, by arreſting and taking carts, oxen, or other inſtruments neceſſary, as alſo workmen and labourers, paying a competent ſtipend for the ſame; and alſo taking as many trees, woods, underwoods, quickſets, ſtone, and timber, and other neceſſaries, as ſhould be ſufficient, paying for the ſame reaſonable prices, according to their diſcretion.—And the ſaid act of queen Elizabeth recites, that the queen had been informed by report and certificate of her principal officers having charge of her borders, that the force of her ſaid borders both of horſemen and footmen was greatly decayed, and like daily to grow weaker by many occaſions, and among others by decay and ruin of ſundry the habitations of thoſe borders, whereby the number of the ancient inhabitants able for ſervice had been diminiſhed; and part of the ſame habitations, tenancies, and farms had been reduced rather to paſturing of cattle, than to the maintenance of men of ſervice; and that alſo in ſome parts the tenants and inhabitants themſelves had diminiſhed their own ſtrength, by dividing their houſes and farms, which were meet only for one able houſholder and family, into the occupation of ſundry perſons commonly being their children or other kinsfolk, ſo as by the ſmallneſs and meanneſs of the holding no one of them was able to furniſh a man for ſervice; and alſo that divers owners and tenants had, for more gain than they could have of natural ſubjects, letten their lands or feedings or ſome part thereof to Scottiſhmen, thereby not only weakening the ſtrength of her majeſty's natural ſubjects, but ſtrengthening foreigners: And therefore enacts, that the ſaid commiſſioners ſhall inquire, as well by the oaths of 12 men as otherwiſe by their diſcretions, what tenancies ſince the 27 Hen. 8. have been decayed, and not held by men able to ſerve as horſemen or footmen according to the ancient duties of thoſe tenancies, and of the cauſes of ſuch decays, and of the wants or evil furnitures of the ſaid horſemen and footmen, and give order for the reformation thereof. And if it ſhall appear that the fault hath been in the lords or their officers, or in the officers or farmers of her majeſty's manors, lands, or tenements; they ſhall injoin ſuch lords, or ſuch her majeſty's officers or farmers, to re-edify or repair the ſaid tenements and houſes of habitation, and ſpecially the capital houſes and barnekins, at their own charges, and reſtore like quantities of lands thereunto as had been occupied therewith in the ſaid 27th year of king Henry the eighth: And if they ſhall find default of furniture of the tenements with horſe, weapon, or armour, according to their duties; they ſhall injoin the ſaid lords and others to give ſuch help as to the ſaid commiſſioners ſhall ſeem meet, towards the enabling of the tenants

reſpectively, to be furniſhed according to the ancient duty of ſuch tenant, ſo that thereby the ſaid tenant be furniſhed and able for ſervice. And if the unableneſs of the ſaid tenants ſhall be found to have grown by their own default or wilfulneſs without juſt occaſion; the ſaid commiſſioners ſhall order the ſame tenants to furniſh themſelves with horſe, armour, and weapon, or with armour and weapon, according to their ancient uſage, and their utmoſt reaſonable ability, at their own charges, without any contribution of the lords but at their own wills †.

Some commiſſions were granted, and inquiſitions made, in purſuance of theſe ſtatutes; but nothing ſeems further effectually to have been done, to carry the ſame into execution.

THE next thing that hath occurred within this period, is, AN abſtract of the muſters of horſemen and footmen within the counties of Weſtmorland and Cumberland, taken by the earl of Huntingdon lord preſident of the north, in September and October 1584, by virtue of a commiſſion to him and the lord Hunſden for that purpoſe:

Weſtmorland.

Able men muſtered:

Light horſemen amongſt the gentlemen and their houſhold ſervants, furniſhed according to the uſe of the Borders	100
Archers furniſhed	1400
Billmen furniſhed	1300
Able men unfurniſhed	1342
	4142

Cumberland.

Able men muſtered:

Light horſemen amongſt the gentlemen and their houſhold ſervants, furniſhed according to the uſe of the Borders	100

Light horſemen furniſhed;

Burgh barony	100
Gilſland	60
Holm Cultram	40
Leven, Kirklinton, Solport	30
Sarke debatable ground	18
Eſke	100
Queen's Hames	40
Foreſt of Englewood	30
The office of Bewcaſtle	50

† Ruſtal.

Archers furniſhed	—	—	—	—	1100
Billmen furniſhed	—	—	—	—	1200
Able men unfurniſhed		—	—	—	1340
					4208

Weſtmorland 4142
Cumberland 4208 } 8350*.

ANOTHER account of muſters given us by Mr. Bell, taken in ſeveral places:

Weſtmorland.

At Sandford moor — —	1981			
Strickland head — —	1269	—	—	5919
Greenholme — — —	2669			

Cumberland.

Allerdale above and beneath Derwent — —	5405			
Leeth Ward — — —	1590	—	—	9153
Cumberland Ward — —	2158			
		Sum total		15072

This latter account ſeems to have been upon a general muſter of all between 16 and 60.

UPON the death of the old lord Scroope, his ſon was appointed to ſucceed him in the wardenſhip of the Weſtern Marches. Whereupon, in the year 1593, he propoſed divers matters to be conſidered of by the gentlemen of both counties, as followeth:

"HEADS to be conſidered upon and reſolved, as ſhall be thought moſt commodious for the common quietneſs of theſe countries, delivered by the right honourable lord Scroope, lord warden of the Weſt Marches of England towards Scotland, unto the gentlemen of Cumberland and Weſtmorland.

Firſt, Foraſmuch as it is conjectured that divers diſorders grow, and infinite outrages are committed upon her majeſty's good ſubjects on the frontiers, and more inwards in the country, as well by the remiſs dealing of the officers and negligence of watches and watchers, as by the ſervants, tenants, and dependers of divers gentlemen, freeholders, and heads of ſurnames, on and near the frontier, and likewiſe by triſtes, aſſurances, and alliances between the Engliſh and Scots on the Borders; which ſort of people, beſides their own filcheries, do (as it is thought) to the great oppreſſion of others, either guide or accompany Scotſmen in their day or night roads, for ſtealth from her ma-

* Bell.

jeſty's

jeſty's ſubjects, and to ſhare the Engliſhmens goods between them and the Scots; or at leaſt, if they lay not the plot, do willingly and wittingly tolerate and ſuffer the Scots to paſs and repaſs by them and through their ſtrengths, for and with Engliſhmens goods, without cauſing of hue and cry, fray, or following of the thieves, in ſuch ſort as they are bound to do, both by the ſtatute laws and ancient cuſtom and conſtitutions of the Borders, and by the common curteſy of good neighbourhood they ſhould: In reformation whereof, firſt, it would be conſidered and reſolved, what courſe can be taken with the head and under officers under the lord warden's commandment, to aſſure the bringing in of any offenders within their charge, unto the lord warden at his lordſhip's direction of the ſame.

Secondly, Whether it will not be convenient that the order for watches reſolved by the late lord Scroope, Sir John Forſter, and Sir Simon Muſgrave, be now again renewed, and with ſeverity obſerved; namely, that whereas any goods ſhould paſs through any of the watches, without hue and cry made by them of the watch, thoſe ſaid watchers ſhould anſwer the goods ſo driven and carried throughout or within the precinct or compaſs of the ſame.

Thirdly, Whether it will not be very needful duly to put the ſtatute for hues and crys in execution, in ſuch ſort, that whoſoever ſhall be proved before the lord warden not to have riſen and followed the fray according to the ſame law; the ſame perſon or perſons preſently to anſwer and ſatisfy for the goods reived or taken away: and conſideration to be had, how the penalty of the ſame ſtatute may beſt and moſt readily be levied for the relief of the party damnified.

Fourthly, It would fall in conſideration how the marriages between the Engliſh and the Scottiſh nations in theſe frontiers may be from henceforth reſtrained, and heretofore hath been enacted, though too remiſsly executed; and what bonds and aſſurance can be taken of all ſuch as are already allied, for their demeanor towards the reſt of her majeſty's ſubjects, and for like good behaviour of all their branches, ſervants, and dependents.

Fifthly, It would moreover be conſidered, what bonds and ſecurity can be taken of every particular gentleman, freeholder, and head of ſurnames, ſo to become anſwerable for their ſervants, tenants, and followers or dependents, as they either bring in unto the lord warden, and upon his lordſhip's call, ſuch ſervants, tenants, followers and dependers, as have or are ſuſpected to have committed any tranſgreſſion againſt the Marche or common laws, for to abide a trial according to their demerits; or, failing thereof, to ſatisfy the party offended for his harm done by any of the aboveſaid perſons ſo belonging or depending unto them.

Sixthly, Becauſe the ſurnames of the *Grames* have no commander under the lord warden, what courſes are therefore moſt meet to be taken for good order amongſt them and their branches, as well for themſelves, as the evil-doers un derthem.

Laſtly, How the reſort of Lowlands men into the inland may beſt be reſtrained, ſeeing that under colour of their errands to gentlemen and others, many evil offices are effected by them in their paſſages.

THOMAS SCROOPE.

THE

THE anſwer and opinions of the gentlemen of Cumberland and Weſtmorland made to the heads propounded and demanded by the right honourable Thomas lord Scroope of Bolton, lord warden of the Weſt Marche of England towards Scotland.

To the firſt, We think it very convenient for reformation of offenders, that the lord warden, upon complaint made unto him, do direct his warrant to the officer within whoſe office ſuch offenders ſhall dwell and remain, to apprehend and bring before the lord warden the ſaid offender; and where the offender dwelleth in ſuch place wherein there is no known officer over them, that then the lord warden to direct his letters to the landlords of whoſe lands the offenders dwell, that he the ſaid landlord ſhall in like manner apprehend and bring the ſaid offender before the ſaid lord warden at the day limited in the ſaid letter. And if any default be either in the ſaid officer or landlord in the execution of the ſaid letters, that then the ſaid officer or landlord to be puniſhed at the diſcretion of the ſaid lord warden. And if the ſaid offender make default of his appearance, either by flying from his officer or landlord, or any other contemptuous courſe of himſelf; that then it may pleaſe the lord warden, of his authority, not only to reſtrain the ſaid offenders or any to their uſe from the enjoying of the inhabitations, tenements, and goods, but alſo if there be any that after the ſaid felony do maintain and aſſiſt or recett the ſaid offenders, that his lordſhip will accordingly write for the ſaid offenders to their officer or landlord, and miniſter puniſhment unto them according to their deſerving.

To the ſecond; As concerning keeping of watches, we all think that your lordſhip hath very well and effectually conſidered of the ſame, and do think it very meet that watches throughout the whole wardenry be continued. And for that the place of watching by many occaſions is known to be more meet for ſome time in one place and ſome time in another, and one place to be ſtronger, and one place to be weaker, and not to continue always in one certainty; therefore that it would pleaſe your lordſhip to give charge to all juſtices and gentlemen to meet together at ſome places convenient, as well both for the one part of the wardenry as for the other, calling to them officers and other ſome diſcreet men to every quarter, to conſider and ſet down, as time now ſerveth, where or in what place watches are moſt needful to be eſtabliſhed, and to make a book thereof to be preferred to your lordſhip; and that thereupon your lordſhip will make your ſeveral commiſſions to as many of the ſaid gentlemen and others, as your lordſhip ſhall think convenient from time to time, ſome in one place, ſome in other, to ſee the ſaid watches duly eſtabliſhed and continued; and that if any default be certified unto your lordſhip of any of the ſaid watches, that your lordſhip would ſee the ſame puniſhed as the caſe ſhall require.

To the third; Concerning the execution of the ſtatute of hue and cry, commonly called in this country following the fray, We all think it meet the ſame be duly put in execution. And if there be any that do fail in following of the ſame, or who wilfully will ſtop or reſiſt any perſon ſo following; that ſuch offender be called before your lordſhip, and puniſhed according to the offence, as heretofore hath been accuſtomed by the warden. And yet nevertheleſs,

theleſs, thoſe who are offended may further ſeek their redreſs therein according to the ſtatute or the common laws in that behalf provided.

To the fourth; We think that concerning marriages commonly uſed between Scots and Engliſh borderers, whereof your lordſhip hath moſt wiſely conſidered that the ſame may breed great inconveniences and hurts to England; yet nevertheleſs we think it meet, before your lordſhip ſhall eſtabliſh any order thereagainſt, that your lordſhip do know her majeſty's pleaſure or council's therein. And as concerning taking of bonds of them already married, we do think it fit that your lordſhip not only call them, but all the reſt of the principal headſmen of the *Grames*, *Hetheringtons*, *Taylors*, and other names, to enter bond unto your lordſhip to be of good behaviour, and to be anſwerable for the appearance of all ſuch as they take to be under them; and if they will not ſo do, then to commit them until ſuch time as they be willing ſo to do.

To the fifth; We all think, that for all other perſons brought before your lordſhip upon ſuſpicion of felony, whether they belong to any gentleman, or to any other, that they be ſafely kept and continued, until they be either juſtified of the ſaid offence, or otherwiſe bailed by the due courſe of law.

To the ſixth: As your lordſhip hath conſidered, that the *Grames* have no proper officer over them, as we ourſelves alſo do think, that ſo long as they have not one ſpecially appointed over them, we take it that both your lordſhip as warden, and by expreſs words of your lordſhip's letters patent, ſtandeth officer over them; and that they ought to be obedient to your lordſhip; and that your lordſhip from time to time by your letters call the principal men before you, to anſwer for themſelves and thoſe under them; and if any of them make default, your lordſhip may apprehend them, according to the authority of your lordſhip's letters patent, and puniſh as you ſhall think convenient.

To the ſeventh; We think it were good that warning by proclamation were given by your lordſhip, that no Scottiſhman or ſuſpected Border man under any colour do repair into Weſtmorland or Cumberland above Carliſle, without your lordſhip's licence; upon pain of puniſhment at your lordſhip's conſideration: And that every juſtice or other officers or perſons in England do apprehend any ſuch and bring them before your lordſhip upon the occaſion of their repairing thither. And that no gentleman ſhall receive into his ſervice any Scotſman or Borderman, but ſuch as before his departure from his ſervice he will make known to your lordſhip, ſo as he may be anſwerable what any man can ſay againſt him.

Cumberland.

William Muſgrave of Hayton eſquire, Sheriff of Cumberland.

John Dalſton, Joſeph Pennington, John Lamplughe, Nicholas Curwen, Wilfride Lawſon, Thomas Lamplough } eſquires.

Chriſtopher Dalſton, Henry Blencowe, John Denton, John Richmond, Gerard Lowther } eſquires.

Weſtmorland.

Thomas Strickland, James Bellingham } eſquires †.

† Bell.

In

In the ſame year, articles were propoſed and agreed upon at Newcaſtle, by the earl of Huntington lord lieutenant of the North, with the conſent of Thomas lord Scroope of Bolton lord warden of the Weſt Marches, and of Sir Robert Cary knight deputy warden of the ſaid Weſt Marches, and others.

First, Whereas the lord warden, for the more eaſy ſubduing of the bad and moſt vagrant ſort of the great ſurnames of the Borders, namely, of the *Grames*, *Armſtrongs*, *Foſters*, *Bells*, *Nixons*, *Hethertons*, *Taylors*, *Rootlidges*, with other very inſolent members appertaining to them; his lordſhip concluded with himſelf, to call the principal and chief of every branch of every ſeveral ſurname before him, and to conſtrain them to enter bond in good ſecurity for their own appearance before him when they ſhall be called upon, and alſo to give his lordſhip a perfect note of all ſuch as any way depend upon them by blood or otherwiſe, and of that number to ſignify for how many he the chief and principal would undertake by ſufficient bond or by pledge to make anſwerable for any matter to be laid to their charge. Which courſe his lordſhip hath begun and entered with *William Grame* of Roſetrees and *Rob of the Fald*, and intendeth to proceed till his lordſhip hath likewiſe gone through with every ſeveral branch and ſurname.

And becauſe his lordſhip hath not yet begun nor reſolved upon any courſe againſt thoſe, which the principal or chief ſhall refuſe to undertake to make anſwerable, being of their blood, dwelling on their land, ſerving or depending upon them; it is conſidered, that theſe unreaſonable perſons be ſent for by the lord warden's letter or ſummons, to be delivered at the houſe where the party dwelleth, or for the moſt part maketh his abode or reſorteth; and if the party ſo ſummoned having habitation by himſelf ſhall refuſe and do not appear at the day and place appointed; that then at any time after, upon the precept and mandate of the lord warden, the chief lord of the manor or lordſhip where the tranſgreſſor dwelleth ſhall, with a competent number of men within his rule, be bound on pain of impriſonment at the warden's pleaſure to repair to the houſe of the offender, and if the party be fled, to ſeize the tenement, with all the goods there or thereon, to her majeſty's uſe, and ſhall utterly expel and put out from the ſame the wife, children, ſervants, and friends of the offender, and ſhall reſtrain him or any of them to his or their uſe, from taking or enjoying by any means any benefit of the ſaid tenement and goods belonging and found his at the time of the ſeizure thereof: And whoſoever, after the ſame ſeizure, ſhall abet, harbour, recett, or any way relieve the ſaid offender; the ſame abbettor, harbourer, receptor, or reliever, to be apprehended and brought by the bailiff or other head officer before the lord warden, and ſhall receive ſuch puniſhment as in caſe of acceſſaries of felonies is appointed.

But if the contemptuous perſon be not fled, then the ſaid head officer to make ſeizure of the houſe and goods, and to apprehend and bring in ſafety to the lord warden the offender, to anſwer his contempt. And if the contemptuous perſon have no certain place of dwelling, then the party that giveth him receipt or relief is to be charged to bring the offender within 20 days to the lord warden; wherein if he fail, the offender ſhall be proclaimed a fugitive, and ſo uſed of all men. And whoſoever at the proclamation ſhall be

found to have given him any relief or comfort, ſhall receive puniſhment as in caſes of acceſſaries of felonies are provided. And this law likewiſe in all reſpects to be uſed againſt all felons and other malefactors whatſoever within this weſt wardenry. And if the bailiff or other officer appointed to this ſervice ſhall find the power under his own command inſufficient to perform the ſame, he ſhall ſignify his weakneſs to the warden, and require further aſſiſtance at his hands; which if he obtain not, he ſhall be excuſed.

And whereas within Bewcaſtle and other places, the head officer challengeth to have the eſcheat of all offenders under them, by which means the ſheriff perceiving that the goods and chattels do go to the officer, and that himſelf ſhall have only his labour for his travel; therefore the ſheriff forbeareth to make an arreſt and to apprehend any offenders, when he ſeeth that he may not with the party make ſeizure of his goods alſo; ſo is the felon reſerved by that means to do miſchief, without further puniſhment than by appeaſing his own officer with a part of the things ſtolen (as ſome inform), the officer not caring how many evil men live under him, ſeeing that by them groweth ſo great benefit unto him; the remedying whereof the lord warden wholly referreth to wiſer conſideration.

Also, the evil men at theſe days uſe this policy, namely, to ſteal goods from their neighbours, and indelayedly before the thief can be ſpeired out, the felon himſelf, or ſome other for him, will go to the party rieved, and will ſeek to draw him to compound for the redelivering of his own goods; ſo remaineth the thief unrevealed, and eſcaping unpuniſhed thus cunningly fyleth his hands with his neighbour's goods: Which courſe alſo how to reform, the lord warden referreth to better conſideration.

Moreover, that the heatheniſh cuſtom of deadly feud in theſe countries may be avoided, a matter intolerable amongſt the barbarous heathen, much more in chriſtian civil policy; the lord warden thinketh it meet, without favour and in greateſt ſeverity, to puniſh with death and confiſcation of lands and goods, all ſuch as ſhall hereafter ſo commit murder within this office; and to call all thoſe perſons betwixt whom feuds do now remain, and labour the taking up of them, and whoſo refuſeth to come to agreement, that ſuch perſons be cauſed to do the ſame by warding and binding to the good abearing.

Also, that all perſons which ſhall openly ſhore or threaten any other for any cauſe whatſoever, from henceforth may be bound to good abearing, notwithſtanding a pecuniary puniſhment laid and ſet down for every ſuch tranſgreſſor.

Item, That no priſoner being a Scotſman, whether driven into England by due courſe of Marche law, or elſe taken by any Engliſhman howſoever, be ſuffered to ride abroad in the country, nor above a mile from the place where he is priſoner; upon the pain of impriſonment to the priſoner's keeper, for every time it can be proved the priſoner hath been otherwiſe.

Also, That no Scots felon or murderer be permitted to have any receipt or relief in England, at any Engliſhman's hands; upon pain of impriſonment at the lord warden's pleaſure, beſides the puniſhment he is to ſuffer by the laws of Marche in that caſe provided.

Ieem, That whatſoever ſubject ſhall be proved hereafter to pay Blackmaile (as it is commonly termed), either to Engliſhman or Scotſman; the giver to be fined at the ſum of 5*l* and impriſonment, and the broker and taker (being an Engliſhman) to be apprehended and puniſhed at the diſcretion of the warden †.

Also, That whoever ſhall from henceforth compound with any Engliſhman for his own goods ſtolen from him, and do not firſt acquaint the lord warden, and obtain his lordſhip's aſſent to the ſame, ſhall be puniſhed as in caſe of acceſſary for the ſtealing of his own goods.

Item, That for all defaults in night or day watches, and the ſetters and ſearchers of them, together with the defaults in repair to the Plump watches, and other neceſſary ſervices commanded by the warden; forfeitures and good fines may be impoſed upon every tranſgreſſor, according to the demerit of the offence, beſides the corporal puniſhment to be inflicted by the warden.

Item, That there may be a good reward appointed and ſet down to be paid to every one, that will publickly and privately inform and prove any diſorder, diſobedience, or negligence, in any perſon touching the execution of theſe or any other orders or good rules to be thus conſtituted by the lord lieutenant and the ſaid juſtices.

Item, That recognizances for appearance of perſons before the lord warden be kept in a perfect record; and that forfeitures of them or any of them be duly collected by a collector appointed, and the money delivered to the treaſurer of the country for the money for hurt ſoldiers or mariners. Which

† By an act of parliament ſome few years after, viz. 43 Eliz. c. 13. this offence is made felony: Which act recites—"Foraſmuch as now of late years, very many of her majeſty's ſubjects dwelling "within the counties of Cumberland, Northumberland, Weſtmorland and Dureſme, have been "taken, ſome forth of their own houſes, and ſome in travelling by the highway, or otherwiſe, "and carried out of the ſame counties, or to ſome other places within ſome of the ſaid counties, "as priſoners, and kept barbarouſly and cruelly, until they have been redeemed by great ranſoms; "and where now of late time there have been many incurſions, roads, robberies, and burning "and ſpoiling of towns, villages, and houſes within the ſaid counties, that divers and ſundry of "her majeſty's loving ſubjects within the ſaid counties, and the inhabitants of divers towns there, "have been forced to pay a certain rate of money, corn, cattle, or other conſideration, commonly "there called by the name of Blackmail, unto divers and ſundry inhabitants upon or near the "Borders, being men of name, and friended and allied with divers in theſe parts, who are com-"monly known to be great robbers and ſpoil-takers within the ſaid counties, to the end thereby "to be by them freed, protected, and kept in ſafety, from the danger of ſuch as do uſually rob "and ſteal in thoſe parts; by reaſon whereof, many of the inhabitants thereabouts, being her "majeſty's tenants, or other good ſubjects, are much impoveriſhed, and theft and robbery much "increaſed, and the maintainers thereof greatly encouraged, and the ſervice of thoſe borders and "frontiers much weakened and decayed, and divers towns thereabouts much diſpeopled and laid "waſte, and her majeſty's own revenue greatly diminiſhed; which heinous and outrageous miſde-"meanors there, cannot ſo well by the ordinary officers of her majeſty in thoſe parts be ſpeedily "prevented or ſuppreſſed, without further proviſions of law."—And therefore enacts, that the ſaid offence ſhall be felony without benefit of clergy: But not to abridge or impeach the juriſdiction or authority of the lords wardens of any the marches of England for and againſt Scotland.

Note, the word *maile* imports a tribute or rent in general. *Black maile* ſeems to have been commonly paid in cattle, as *white maile* was paid in ſilver, vulgarly (but improperly) ſtyled *quit rent*.

money

money of forfeitures to remain with the treaſurer, until order and warranty come to him for diſpoſing thereof. And likewiſe all other fines and forfeitures for any of the cauſes aboveſaid, or for any other thought meet to be ſet down, or which are already ſet down and not here expreſſed; the money of all to be paid by the appointed collectors to the ſaid treaſurer as before is ſaid.

And foraſmuch as the lord warden of himſelf is very loth to be the author of invaſion or innovation for any uſe and cuſtom of the Borders, thereby drawing to himſelf the hatred of the country, as alſo for other cauſes, he prayeth that theſe, or as many of them as ſhall be thought neceſſary, with ſuch further orders as ſhall be thought meet to be added, may be the whole deed, and as proceeding from the lord lieutenant and the juſtices of aſſize, and may be ſet down in writing under their hands, and the juſtices of peace of the country, with the gentlemen, to be made acquainted therewith, and to ſignify their aſſent by ſubſcription to the ſame.

The names of the gentlemen that were preſent at this meeting at Newcaſtle:

Sir *Robert Cary* knight, deputy warden of the Weſt Marches.
William Muſgrave eſquire, ſheriff of Cumberland.

George Salkeld
John Dalſton
Francis Lamplugh } eſquires.
Wilfride Lawſon
Thomas Carleton

Lancelot Carleton
Leonard Muſgrave } gentlemen†.
Richard Tolſon

The aforeſaid Sir Robert Cary (afterwards earl of *Monmouth*) according to a laudable cuſtom of many in thoſe times, wrote certain memoirs of his own life, which in the year 1759 were from his manuſcript preſented to the public by the right honourable John earl of Cork and Orrery. A few extracts of which will further ſhew to us the ſtate of the Borders at that time.

" Upon the death of the old lord Scroope, the queen gave the Weſt wardenry to his ſon, that had married my ſiſter. He having received that office, came to me with great earneſtneſs, and deſired me to be his deputy, offering me that I ſhould live with him in his houſe; that he would allow me half a dozen men, and as many horſes, to be kept at his charge; and his fee being 1000 marks yearly, he would part it with me, and I ſhould have the half. This his noble offer I accepted of, and went with him to Carliſle; where I was no ſooner come, but I entered into my office. We had a ſtiring time of it, and few days paſſed over my head but I was on horſeback, either to prevent miſchief, or to take malefactors, and to bring the Border in better

† Bell.

quiet than it had been in times paſt. One memorable thing of God's mercy ſhewed unto me was ſuch, as I have good cauſe ſtill to remember it.

I had private intelligence given me, that there were two Scottiſh men, that had killed a churchman in Scotland, and were by one of the *Grames* relieved. This *Grame* dwelt within five miles of Carliſle. He had a pretty houſe, and cloſe by it a ſtrong tower for his own defence in time of need. About two o'clock in the morning I took horſe in Carliſle, and not above 25 in my company, thinking to ſurprize the houſe on a ſudden. Before I could ſurround the houſe, the two Scotts were gotten into the ſtrong tower, and I could ſee a boy riding from the houſe as faſt as his horſe could carry him, I little ſuſpecting what it meant. But *Thomas Carleton* came to me preſently, and told me, that if I did not preſently prevent it, both myſelf and all my company would be either ſlain or taken priſoners. It was ſtrange to me to hear this language. He then ſaid to me, 'Do you ſee that boy that rideth 'away ſo faſt? He will be in Scotland within this half hour, and he is gone 'to let them know, that you are here, and to what end you are come, and 'the ſmall number you have with you; and that if they will make haſte, on 'a ſudden they may ſurprize us, and do with us what they pleaſe.' Hereupon we took advice what was beſt to be done. We ſent notice preſently to all parts to raiſe the country, and to come to us with all the ſpeed they could; and withal we ſent to Carliſle to raiſe the townſmen, for without foot we could do no good againſt the tower. There we ſtayed ſome hours expecting more company; and within ſhort time after, the country came in on all ſides, ſo that we were quickly between three and four hundred horſe: And after ſome little longer ſtay, the foot of Carliſle came to us, to the number of three or four hundred men; whom we ſet preſently at work to get up to the top of the tower, and to uncover the roof, and then ſome twenty of them to fall down together, and by that means to win the tower. The Scots ſeeing their preſent danger offered to parley, and yielded themſelves to my mercy. They had no ſooner opened the iron gate, and yielded themſelves my priſoners, but we might ſee 400 horſe within a quarter of a mile coming to their reſcue, and to ſurprize me and my ſmall company; but of a ſudden they ſtayed, and ſtood at gaze. Then had I more to do than ever. For all our borderers came crying with full mouths, 'Sir, give us leave to ſet upon them; for 'theſe are they that have killed our fathers, our brothers, our uncles, and 'our couſins; and they are come thinking to ſurprize you, upon weak graſs 'nags, ſuch as they could get on a ſudden; and God hath put them into 'your hands, that we may take revenge of them for much blood that they 'have ſpilt of ours.' I deſired they would be patient a while, and bethought myſelf if I ſhould give them their wills, there would be few or none of the Scots that would eſcape unkilled (there were ſo many deadly feuds among them); and therefore I reſolved with myſelf, to give them a fair anſwer, but not to give them their deſire. So I told them, that if I were not there myſelf, they might then do what pleaſed themſelves; but being preſent, if I ſhould give them leave, the blood that ſhould be ſpilt that day would lie very heavy upon

upon my conſcience. And therefore I deſired them for my ſake to forbear; and if the Scots did not preſently make away with all the ſpeed they could upon my ſending to them, they ſhould then have their wills to do what they pleaſed. They were ill ſatisfied with my anſwer, but durſt not diſobey. I ſent with ſpeed to the Scots, and bade them pack away with all the ſpeed they could; for if they ſtayed the meſſenger's return, they ſhould few of them return to their own home. They made no ſtay, but they were turned homewards before the meſſenger had made an end of his meſſage. Thus by God's mercy I eſcaped a great danger, and by my means there were a great many mens lives ſaved that day."

Afterwards, the ſaid Sir *Robert Cary* was made deputy warden of the Eaſt Marches, under his father the lord *Hunſdon*. On his entry upon that office, he ſays.—" I wrote to Sir *Robert Ker*, who was my oppoſite warden; a brave, active, young man, and deſired him that he would appoint a day, when he and myſelf might privately meet in ſome part of the border, to take ſome good order for quieting the borders, till my return from London, which journey I was ſhortly of neceſſity to take. He ſtayed my man all night, and wrote to me back, that he was glad to have the happineſs to be acquainted with me, and did not doubt but the country would be better governed by our good agreements. I wrote to him on the Monday, and the Thurſday after he appointed the place and hour of meeting.

After he had filled my man with drink, and put him to bed, he and ſome half a ſcore with him got to horſe, and came into England to a little village. There he broke up an houſe, and took out a poor fellow, who (he pretended) had done him ſome wrong, and before the door cruelly murdered him, and ſo came quietly home and went to bed. The next morning he delivered my man a letter in anſwer to mine, and returned him to me. It pleaſed me well at the reading of his kind letter, but when I heard what a bravo he had put upon me, I quickly reſolved what to do, which was, never to have to do with him, till I was righted for the great wrong he had done me. Upon this reſolution, the day I ſhould have met with him, I took poſt, and with all the haſte I could, rode to London, leaving him to attend my coming to him as was appointed. There he ſtayed from one till five, but heard no news of me. Finding by this, that I had neglected him, he returned home to his houſe; and ſo things reſted (with great diſlike the one of the other) till I came back, which was with all the ſpeed I could, my buſineſs being ended. The firſt thing I did after my return, was to aſk juſtice for the wrong he had done me, but I could get none. The Borderers ſeeing our diſagreement, they thought the time wiſhed for of them was come. The winter being begun, there were roads made out of Scotland into the Eaſt March, and goods were taken three or four times a week. I had no other means left to quiet them, but ſtill ſent out of the garriſon, horſemen of Berwick, to watch in the fitteſt places for them; and it was their good hap many times to light upon them, with the ſtolen goods driving before them. They were no ſooner brought before me, but a jury went upon them, and being found guilty, they were preſently hanged: a courſe which had been ſeldom uſed; but I had no way to keep

keep the country quiet but to do ſo. For when the Scotch thieves found what a ſharp courſe I took, with thoſe that were found with the bloody hand, I had in a ſhort time the country more quiet. All this while we were but in jeſt as it were, but now began the great quarrel between us.

There was a favourite of his, a great thief, called *Geordie Bourne*. This gallant, with ſome of his aſſociates, would in a bravery come and take goods in the Eaſt Marche. I had that night ſome of the garriſon abroad. They met with this *Geordie* and his fellows, driving of cattle before them. The garriſon ſet upon them, and with a ſhot killed *Geordie Bourne*'s uncle; and he himſelf, bravely reſiſting till he was ſore hurt in the head, was taken. After he was taken, his pride was ſuch, as he aſked, Who it was that durſt avow that night's work? but when he heard it was the garriſon, he was then more quiet. But ſo powerful and awful was this Sir *Robert Ker* and his favourites, as there was not a gentleman in all the Eaſt Marche that durſt offend them. Preſently after he was taken, I had moſt of the gentlemen of the Marche come to me, and told me, that now I had the ball at my foot, and might bring Sir *Robert Ker* to what condition I pleaſed; for that this man's life was ſo near and dear unto him, as I ſhould have all that my heart could deſire for the good and quiet of the country and myſelf, if upon any condition I would give him his life. I heard them and their reaſons; notwithſtanding, I called a jury the next morning, and he was found guilty of marche-treaſon. Then they feared, that I would cauſe him to be executed that afternoon. Which made them come flocking to me, humbly intreating me, that I would ſpare his life till the next day; and if Sir *Robert Ker* came not himſelf to me, and made me not ſuch proffers as I could not but accept, that then I ſhould do with him what I pleaſed. And further they told me plainly, that if I ſhould execute him before I had heard from Sir *Robert Ker*, they muſt be forced to quit their houſes and fly the country; for his fury would be ſuch againſt me and the Marche I commanded, as he would uſe all his power and ſtrength to the utter deſtruction of the Eaſt Marche. They were ſo earneſt with me, that I gave them my word he ſhould not die that day. There was poſt upon poſt ſent to Sir *Robert Ker*, and ſome of them rode to him themſelves, to advertiſe him in what danger *Geordie Bourne* was; how he was condemned, and ſhould have been executed that afternoon, but by their humble ſuit I gave them my word that he ſhould not die that day; and therefore beſought him, that he would ſend to me with all the ſpeed he could to let me know, that he would be the next day with me, to offer me good conditions for the ſafety of his life.

When all things were quiet, and the watch ſet at night, after ſupper about ten o'clock, I took one of my mens liveries, and put it about me, and took two other of my ſervants with me in their liveries, and we three as the warden's men came to the provoſt marſhal's where *Bourne* was, and were let into his chamber. We ſate down by him, and told him, that we were deſirous to ſee him, becauſe we heard he was ſtout and valiant, and true to his friend; and that we were ſorry our maſter could not be moved to ſave his life. He voluntarily of himſelf ſaid, that he had lived long enough to do ſo much as he

had done, and withal told us, that he had lain with above forty mens wives, what in England, what in Scotland; and that he had killed ſeven Engliſhmen with his own hands: that he had ſpent his whole time in whoring, drinking, ſtealing, and taking deep revenge for ſlight offences. He ſeemed to be very penitent, and much deſired a miniſter for the comfort of his ſoul. We promiſed him to let our maſter know his deſire; who, we knew, would preſently grant it. We took our leaves of him, and preſently I took order that Mr. *Selby*, a very worthy honeſt preacher, ſhould go to him, and not ſtir from him till his execution the next morning: for after I had heard his own confeſſion, I was reſolved no conditions ſhould ſave his life; and ſo took order, that at the gates opening the next morning, he ſhould be carried to execution, which accordingly was performed.

In the ſame morning I had one from Sir *Robert Ker* for a parley, who was within two miles ſtaying for me. I ſent him word, I would meet him where he pleaſed, but I would firſt know upon what terms and conditions. Before his man was returned, he had heard, that in the morning very early *Geordie Bourne* had been executed. Many vows he made of cruel revenge, and returned home full of grief and diſdain; and from that time forwards ſtill plotted revenge. He knew the gentlemen of the country were altogether ſackleſs, and to make open road upon the Marche would but ſhew his malice, and lay him open to the puniſhment due to ſuch offences. But his practice was, how to be revenged on me or ſome of mine.

It was not long after, that my brother and I had intelligence that there was a great match made at football, and the chief riders were to be there. The place they were to meet at was *Shelſey*, and that day we heard it, was the day for the meeting. We preſently called a council, and after much diſpute it was concluded, that the likelieſt place he was to come to, was to kill the ſcouts. And it was the more ſuſpected, for that my brother (who was deputy warden before my coming to the office), for cattle ſtolen out of the bounds, and as it were from under the walls of *Berwick*, being refuſed juſtice upon his complaint, or at leaſt delayed, ſent of the garriſon into *Liddeſdale*, and killed there the chief offender which had done the wrong.

Upon this concluſion, there was order taken, that both horſe and foot ſhould lie in ambuſh in divers parts of the bounds, to defend the ſcouts, and to give a ſound blow to Sir *Robert* and his company. Before the horſe and foot were ſet out, with directions what to do, it was almoſt dark night, and the gates ready to be locked. We parted; and I was by myſelf coming to my houſe: God put it into my mind, that it might well be, he meant deſtruction to my men that I had ſent out to gather tithes for me at *Norham*; and their rendeſvous was every night to ſup and lie at an alehouſe in *Norham*. I preſently cauſed my page to take horſe, and to ride as faſt as his horſe could carry him, and to command my ſervants (who were in all eight) that preſently upon his coming to them they ſhould all change their lodging, and go ſtraight to the caſtle, there to lie that night in ſtraw or hay. Some of them were unwilling thereto, but durſt not diſobey; ſo all together left their alehouſe, and retired to the caſtle. They had not well ſettled themſelves to ſleep,

but

but they heard in the town a great alarm. For Sir *Robert* and his company came ſtreight to the alehouſe, broke open the doors, and made inquiry for my ſervants. They were anſwered, that by my command they were all in the caſtle. After they had ſearched all the houſe, and found none, they feared they were betrayed, and with all the ſpeed they could, made haſte homewards again. Thus God bleſſed me from this bloody tragedy.

All the whole Marche expected nightly ſome hurt to be done; but God ſo bleſſed me and the government I held, as, for all Sir *Robert*'s fury, he never drew drop of blood in all my Marche, neither durſt his thieves trouble it much with ſtealing. for fear of hanging, if they were taken."

Afterwards, Sir *Robert Cary* being advanced to the head wardenſhip of the Middle Marche, he came to the place of the warden's reſidence at Alnwick Abbey: Where being arrived, he ſays, "The thieves hearing of my being ſettled there, continued ſtill their wonted courſe in ſpoiling the country, not caring much for me, nor my authority. It was the beginning of ſummer, when I firſt entred into my office; but before that ſummer was ended, they grew ſomewhat more fearful. For the firſt care I took was, to cleanſe the country of our inbred thieves, for by them moſt miſchief was done. For the Scotch riders were always guided by ſome of them in all the ſpoils they made. God bleſſed me ſo well in all my deſigns, as I never made journey in vain, but did that I went for.

Amongſt other malefactors, there were two gentlemen thieves, that robbed and took purſes from travellers in the highways (a theft that was never heard of in thoſe parts before). I got them betrayed, took them, and ſent them to Newcaſtle gaol, and there they were hanged.

I took not ſo few as 16 or 17 that ſummer and the winter following, of notorious offenders, that ended their days by hanging or heading. When I was warden of the Eaſt Marche, I had to do but with the oppoſite Marche, which Sir *Robert Ker* had; but here I had to do with the Eaſt, Middle, and Weſt Marches of Scotland. I had very good juſtice with Sir *Robert Ker* and the laird of *Farnehcrſt* (that had charge over the eaſt part of the Middle March); but the weſt part, which was *Liddeſdale* and the Weſt Marche, kept me a great while in cumber. The firſt thing they did was the taking of *Haltweſell*, and carrying away of priſoners and all their goods. I ſent to ſeek for juſtice for ſo great a wrong. The oppoſite officer ſent me word, it was not in his power, for that they were all fugitives, and not anſwerable to the king's laws. I acquainted the king of Scots with his anſwer. He ſignified to me that it was true, and that if I could take my own revenge without hurting his honeſt ſubjects, he would be glad of it. I took no long time to reſolve what to do, but ſent ſome two hundred horſe to the place where the principal outliers lived, and took and brought away all the goods they had. The outlaws themſelves were in ſtrong holds, and could no way be caught. But one of the chief of them, being of more courage than the reſt, gate to horſe and came pricking after them, crying out and aſking, What he was that durſt avow that mighty work? One of the company came to him with a ſpear, and

and ran him through the body, leaving his ſpear broken in him, of which wound he died. The goods were divided to the poor men, from whom they were taken before.—The next ſummer after, I fell into a cumberſome trouble, but it was not in the nature of thieves and malefactors. There had been an ancient cuſtom of the borderers, when they were at quiet, for the oppoſite border to ſend to the warden of the Middle Marche, to deſire leave, that they might come into the borders of England, and hunt with their grey-hounds for deer, towards the end of ſummer, which was never denied them. But towards the end of Sir *John Forſter*'s government, when he grew very old and weak, they took boldneſs upon them, and without leave aſking would come into England, and hunt at their pleaſure, and ſtay their own time. And when they were hunting, their ſervants would come with carts, and cut down as much wood, as every one thought would ſerve his turn, and carry it away to their houſes in Scotland. Sir *John*'s imbecility and weakneſs occaſioned them to continue their miſdemeanor ſome four or five years together, before he left his office. And after my lord *Euers* had the office, he was ſo vexed and troubled with the diſorders of the country, as all the time he remained there he had no leiſure to think of ſo ſmall a buſineſs and to redreſs it; ſo that now they began to hold it lawful to come and go at their pleaſures, without leave aſking. The firſt ſummer I entered, they did the like. The *Armſtrongs* kept me ſo on work, that I had no time to redreſs it. But having over-maſtered them, and the whole Marche being brought to a good ſtay and quietneſs, the beginning of next ſummer I wrote to *Farnehurſt*, the warden over-againſt me, to deſire him to acquaint the gentlemen of his Marche, that I was no way unwilling to hinder them of their accuſtomed ſports to hunt in England as they ever had done, but withal I would not by my default diſhonour the queen and myſelf, to give them more liberty than was fitting. I prayed him therefore to let them know, that if they would, according to the ancient cuſtom, ſend to me for leave, they ſhould have all the contentment I could give them; if otherwiſe they would continue their wonted courſe, I would do my beſt to hinder them.

Nothwithſtanding this letter, within a month after, they came and hunted as they uſed to do, without leave; and cut down wood, and carried it away. I wrote again to the warden, and plainly told him, I would not ſuffer one other affront; but if they came again without leave, they ſhould dearly abide it.

For all this, they would not be warned, but towards the end of the ſummer they came again to their wonted ſports. I had taken order to have preſent word brought me; which was done. I ſent my two deputies, with all the ſpeed they could make; and they took along with them ſuch gentlemen as were in their way, with my forty horſe, and about one of the clock they came to them and ſet upon them. Some hurt was done, but I gave eſpecial order they ſhould do as little hurt, and ſhed as little blood, as poſſibly they could. They obſerved my command, only they broke all their carts, and took a dozen of the principal gentlemen that were there, and brought them to me to Witherington where I then lay. I made them welcome, and gave them the

beſt entertainment that I could. They lay in the caſtle two or three days, and ſo I ſent them home; they aſſuring me, that they would never hunt there again without leave, which they did truly perform all the time I ſtayed there; and I many times met them myſelf, and hunted with them two or three days: and ſo we continued good neighbours ever after. But the Scots king complained to queen Elizabeth very grievouſly of this fact. The queen and council liked very well of what I had done; but to give the king ſome ſatisfaction to content him, my two officers were committed to the biſhop of Durham's, there to remain priſoners during her majeſty's pleaſure. Within a fortnight I had them out again, and there was no more of this buſineſs."

[This naturally reminds one again of the famous adventure of Chevy Chaſe: On which, the noble editor of theſe memoirs juſtly obſerves, that Mr. Addiſon in his celebrated criticiſm on that ancient ballad (Spect. No. 70.) miſtakes the ground of the quarrel. It was not any particular animoſity or deadly feud between the two noble earls the principal actors, but was a conteſt of privilege and juriſdiction between them reſpecting their offices as lords wardens of the Marches.]

The next thing that occurs in order of time is a petition of the *Grames*, in Mr. Bell's manuſcript, to the lord *Scroope*, dated Sep. 19, 1600.

To the Right honourable *Thomas* lord *Scroope*, lord warden of the Weſt Marches of England towards Scotland:

Right Honourable,

We her majeſty's tenants and faithful ſubjects, whoſe names are hereunder written, do in all humble ſort beſeech your good lordſhip to ſtand our good lord: Whereas we underſtand that the deſtruction of ourſelves and our poſterity is intended, by colourable practice of ſome of the gentlemen of the country, whoſe cunning hath drawn in a number of ſimple gentlemen to join with them; for preventing thereof, and to lay the preſumption of their dangerous plot more open, we thought good, in diſcharge of our duties, firſt to our lord God, next to her majeſty, and laſtly to your good lordſhip, ſo much in expreſſing our dutiful obedience, as we do truſt either your good lordſhip will crave at our hands, or that we ought any way to perform.

Firſt, in ſhewing our obedience and affection to the favouring of juſtice: we will ſtand bound unto your good lordſhip, every man particularly for himſelf, his children, ſervants, and tenants, that if your good lordſhip have any cauſe againſt them in time to come, they ſhall be anſwerable to underlie her majeſty's laws at the general ſeſſions.

Secondly, we ſhall all be ready, as becometh good ſubjects, to riſe and aſſiſt your lordſhip's officers, ſervants, and all her majeſty's ſubjects, in following hue and cry, and aiding them to our uttermoſt power.

Laſtly, if any offence be committed within your lordſhip's Marche by any of Scotland, we ſhall be ready to ſerve your good lordſhip truly in ſeeking revenge,

revenge, not reſpecting kindred or favour, but ſerve our prince and our country, as becometh true and faithful ſubjects to do.

Moſt humbly craving your lordſhip's favour, in having an honourable care of theſe our offers, and thoroughly to conſider, how cruelly our lives are ſought, and our utter deſtruction intended, by theſe gentlemen confederates of this new league lately erected amongſt us, the like never heard of in theſe parts before. What cauſe we have to fear to anſwer law, how clear ſoever our cauſes ſhall be, God and your lordſhip may judge, when theſe gentlemen ſit on the bench and at the gaol delivery as our judges, and are known to thirſt for our bloods, and would cut our throats with their hands if they durſt, but only that your good lordſhip will have an honourable care in preventing their wicked attempts, having openly avowed our deſtruction, knowing us not to depend on any ſubject but only her majeſty and your good lordſhip her majeſty's officer; not to be drawn from our loyalty, although our lives and deſtruction is one of the firſt marks they openly aim at.

We pray that the meaning may prove to her majeſty's good, but ſure the preſumption is dangerous;

Firſt, in convening ſuch a multitude together that is joined in bond and oath, in ſuch a league as they are bound and ſworn in:

Secondly, in joining all together to diſgrace Mr. *Lowther* her majeſty's officer under your good lordſhip, knowing his fidelity to her majeſty could not be withdrawn:

Thirdly, in ſeeking our deſtructions, who they know do only depend of God, her majeſty, and your good lordſhip her majeſty's officer;

Fourthly and laſtly, in preſuming to nominate your lordſhip's deputy, wherein they have laid open all their practices againſt Mr. *Lowther*, which if they can get obtained, then all is at their own will and pleaſure, being all birds of one neſt, and feathers of one wing; for firſt having all the gentlemen convened together thereby to be ſtrong, then to have the whole county in their hands in your lordſhip's abſence, thereby to have Carliſle caſtle her majeſty's key in this part at their own commandment: Whether the preſumption is perillous or not, we refer that to your lordſhip's honourable care. But who have read ſtories have found, that ſuch a preſumption in ſuch a multitude hath often proved a dangerous event. And eſpecially in this caſe, Mr. *Thomas Salkeld* and Mr. *William Hutton*, two principal men of this new league, and not only themſelves but as well men of their convenors, ſtanding deeply affected many ways, both in favour, kindred, and alliance to Mr. *Francis Dacre*, a man whom we do hold no good ſubject to her majeſty, who lieth here moſt part within 20 miles, and ſome of their friends reſorting unto him; and for that we do owe our faithful zeal to her majeſty, in fearing the worſt of their convenings, will ſtill aggravate the gentlemen to their former purpoſe.

We humbly crave, that your good lordſhip will vouchſafe that honourable favour, as to ſend this our humble petition and offer of dutiful ſervice to the lords of her majeſty's moſt honourable privy-council; to whom, and to your good lordſhip, we hold ourſelves, lives, and livings. And wherein we have not offered our duties in every degree, as becometh faithful and true ſubjects,

to amend it in any thing we can to their lordſhips, as to your lordſhip's ſelf ſhall be thought fitting for us to do: referring our cauſes, and the preventing of the gentlemens wicked intentions, to God and her majeſty's moſt honourable privy council and your lordſhip's ſelf, whom we will ſerve with unfeigned hearts during our lives.

Subſcribed by

Walter Grame.
John Grame.
William Grame of Moate.
Richard Grame of Breckinhill.
William Grame of Roſetrees.
Alexander Grame of Kirkanders.
David Grame of Bankhead.
William Grame of Fald.
Hutchin Grame the younger.

With the reſt of our friends.

THE Gentlemens anſwer to the ſlanderous aſſertions of the *Grames*, Sep. 25, 1600.

THE Gentlemen do affirm, that the *Grames* and their clans, with their children, ſervants, and tenants, are the chiefeſt actors in the ſpoil and decay of our country; and do think that your lordſhip is ſo perſuaded. And therefore they do well to remember, that it is over heavy a burden for them to be bound to be anſwerable for their offences done. And ſo for their three offers, they are good ſo far as they do extend, if they may be performed; for better it is to amend hereafter, than to hold on as they have done: but of what validity their bonds are, experience may declare.

The cauſes wherefore they are drawn to make their offers to your lordſhip are moſt ſlanderous, and wrongfully imputed by them to the gentlemen, as it is well known to your honour: unleſs they account their reſtraints of liberty from wronging her maſeſty's ſubjects, and yielding their obedience to authority, to be the deſtruction of them and their poſterity.

We truſt, our uſages and demeanor in the country to be ſuch, as no true man will affirm or judge, that we thirſt after their blood, would cut their throats, or avow their deſtruction. For it is far from our thoughts to imagine any ſuch wicked practice. But we know that theſe untrue ſuggeſtions came from *Lancelot Carleton* to enrage the Grames againſt the gentlemen; who, as party with the Grames, came to prefer the ſaid petition, and uſed unbecoming ſpeeches therein before your lordſhip; a man known to be contentious, and a practiſer of lewd actions, as in part was openly manifeſt before the lord biſhop of Carliſle, your honour, and other juſtices of peace, at a ſeſſions, in his accuſation againſt *John Muſgrave* her majeſty's land ſerjeant of Gilſland; where, by *Carleton*'s own witneſſes, the ſaid land ſerjeant was cleared, and by them it was upon oath confeſſed, that he the ſaid *Carleton* would have ſuborned them to have depoſed againſt the ſaid land ſerjeant; which he in ſome manner openly confeſſed, to his own diſgrace, if he had any reſpect to his credit. And now by him are theſe ſlanders inſerted in the ſaid petition, and the whole drift thereof contrived to prevent by his untruths, ſo far as he can, the

the good means now in hand for the reformation of the ſpoils and outrages in our country, greatly thereby decayed; not reſpecting his neighbours harms, he himſelf living in ſafety; being allied to the *Grames* by ſeveral marriages of his kindred to them, both upon the borders of England and Scotland, and thereby not only protected, but imboldened to proſecute his unchriſtian devices.

They are againſt themſelves in alledging, that their not anſwering to the law is becauſe the gentlemen which are their judges thirſt after their blood; for they will not anſwer their offences done already before any judge, be he never ſo indifferent. And ſo their refuſals are in reſpect of their guiltineſs of the offences, and not in reſpect of the judges: And this appeareth forth of their own offers. Neither have they had any cauſe to complain upon any gentlemen for any injuſtice offered to any of them; and therefore their aſſertion is very weak.

For the four cauſes which draw a dangerous preſumption to diſquiet the land:

Firſt, they anſwer and do deny any unlawful joining together, or any joining at all, but ſuch as was allowed by your lordſhip's deputy in your abſence, and confirmed by your lordſhip at your home coming. Of which company ſo joined together, Mr. *Lowther* and his ſon and heir were two; only done for the better repreſſing of theft, then and yet commonly uſed in our country; which draweth no dangerful preſumption of diſquiet to the land, for then by their own confeſſion Mr. *Lowther* could not have been drawn to it if there had been any ſuch appearance.

To the ſecond, they do anſwer, that the gentlemen had no intention to diſgrace Mr. *Lowther*; but, upon his too great bearing with thieves, to the hurt of our country, and contrary to that which he had undertaken before in his joining with the gentlemen, they upon juſt cauſe did complain againſt him: which hath been deliberately heard, and the truth of the whole cauſes known to your Honour and the reſidue to whom the hearing and determining thereof was referred. Wherein Mr. *Lowther* will not think himſelf wronged, neither commend the *Grames* in alledging the doings betwixt him and the gentlemen as any cauſe to draw any peril to the diſquiet of the land.

To the third; It is untrue, and the ſame with all the reſidue are frivolous: They ſeek not their lives.

To the laſt: They are not ſo void of diſcretion, as to appoint your lordſhip's deputy; whereof they have no authority nor power. But in regard of the troubles within your wardenry, which are great, the gentlemen in all true humbleneſs have intreated your Honour to appoint a deputy for better furtherance to your lordſhip to redreſs the wrongs and oppreſſions of our country; and upon juſt cauſe they did commend to your lordſhip a gentleman of good worth and ability, well experienced, and one who fears God, generally loved, and thought fit for that place, with whom the gentlemen with heart and hand will willingly join for her majeſty's ſervice; whereby the good of her ſubjects, and the ſafety of our country, is rather to be expected.

And for that the ſaid *Carleton* and the *Grames* do fear, that the gentleman ſo commended as fit to be your lordſhip's deputy, if he ſhould be allowed, would look into their doings, and ſomewhat reſtrain their former liberty of offending, they labour to prevent your lordſhip of your good and honourable purpoſe therein, by preferring that doubt before your eyes as touching *Francis Dacres*, whom the gentlemen do favour, as they alledge, who lieth within 20 miles. As though your lordſhip did not know the diſpoſition of the gentleman commended to your honour, or of the gentlemen who do commend him. This is not the firſt time that the ſame hath been preferred againſt the gentlemen, and particularly againſt ſome of them, not of any danger which might thereby enſue to the quiet of the land, but as an help to prefer their own private cauſes by their ſuggeſtings thereof. In which their allegation, the gentlemen who have hitherto lived without any ſuſpicion of diſloyalty to her majeſty or the ſtate, do think themſelves wronged, to be charged with any favour or affection towards Mr. *Dacres*, but as true and faithful ſubjects may and ought to do; and ſo moſt humbly deſire, that your lordſhip will examine the ſaid *Carleton* and the *Grames* (who preferred this petition), of their further knowledge, which be thoſe friends of the gentleman who reſorted to Mr. *Dacres*; that if any ſuch be, they may receive their puniſhment therein according to their deſerts.

And for concluſion: As often before, ſo now we humbly beſeech your Honour, to be the means, that the *Grames* and the reſidue of our Borderers may be drawn in obedience to your lordſhip's authority, and may be compelled to anſwer her highneſs's laws from time to time in ſome reaſonable manner for their offences, the better to ſtay their common robberies and ſpoils of our country, whereof the *Grames* are not blameleſs; and that this our anſwer may be ſent with their petition to the lords of her majeſty's moſt honourable privy council, if your lordſhip do think fit to ſend their petition.

NEXT follows in the ſaid Manuſcript of Mr. *Bell*,

A NOTE and abſtract of the ſeveral names of the clans of all the *Grames*, ſeverally given in to the right honourable *Thomas* lord *Scroope* of *Bolton*, lord warden of the Weſt Marches of England towards Scotland, preferred by them the eighth day of October 1602; whom they ſeverally bound themſelves to be anſwerable for to the ſaid lord *Scroope*.

Theſe following belong to the Goodman of Netherby:

Walter Grame himſelf
Richie Grame his ſon
Arthur Grame his ſon
William Grame his brother
John Grame his uncle
Francis Grame his uncle
John Grame his brother
John Grame of Sleylands

Richie Grame, Dick Grame, Thomas Grame, Arthur Grame, Andrew Grame } his brether

Their tenants;

Thomas Taite
Alexander Grame
John Gibſon
Richard Grame
Richie Armſtrong
Herbert Johnſton
Willie Bailie
Andrew Little
Chriſtopher Calvert
John Baytie
John Armſtrong
John Gibſon
Matthew Watſon.

Theſe following are they which John Grame of Anghouſe-well will be anſwerable for:

John Grame himſelf
Richie Grame, Walter Grame } his ſons.
Geordie Grame, William Grame, Arthur Grame, Thomas Grame } his brether

Tenants belonging to them;

Willie Grame
Henry Grame of Skaleby
William Blacklock miller
Reyne Grame
Cuddie Gleſby
(And 25 more, by name.)

Theſe following are the names that I Fargus Grame of Sowport will be anſwerable for:

Fargus Grame myſelf
Willie Grame, Jamie Grame } my ſons.

My tenants and dependers are theſe;

John Wilſon
James Davieſon
James Browne
Thomas Browne
John Hope
Robert Carrudders
James Philip
James Litle
Herbert Whittie
John Grame of the Ley
Chriſtie Grame of the Ley
Davie Moffett
Richard Urwen

Theſe are the names that I Davie Grame of the Millens do undertake for:

Davie Grame myſelf
John Blawett
John Batie
John Turner
John Grame
Davie Batie
William Grame
Matthew Urwen
John Tynning
John Baitie

John Grame of the Peretree for myſelf and my brother Wattie.

Theſe

Theſe are they following that appertain to the Goodman of the Moate; for which he and Breckinhill do undertake for:

William Grame of Moate
Richie Grame of Breckinhill
George Grame of Langtown
Richie Grame junior of Breckinhill
Arthur Grame of Moate
William Grame of Langtown
Fargue Grame of ſame
Richie Grame of ſame
John Grame of Sandhills
George Grame of ſame
Fargue Grame
Robert Grame
George Grame
Richie Grame of Bailie
William Grame, Francis Grame } his ſons
Thomas Storie of Howend
Florie Storie
Richie Bell
(With 84 more, by name.)

Now hereafter follows young Hutchin's clan and gang. And firſt the names that Geordie anſwers for, being brother to young Hutchin:

John Litle
Gordie Edger
William Litle
Andrew Elwood
Jock Anderſon

Theſe are the names that I William Grame brother to young Hutchin anſwer for:

William Mark
Arthur Grame
John Waughe
Simon Urwen
Cuthbert Mounſey
Matthew Moffett
Matthew Henderſon
Davie Baitie
Chriſtie Wilkin
John Archerſon

Theſe are the names that I William Grame ſon to Robbie anſwer for:

Andrew Linton
Jock Linton
Jock Coutert
Andrew Glendoning
Thomas Scott
Matthew Browne
John Waugh
Davie Browne
Thomas Coutert
Thomas Pott
Willie Pott
John of Scotland
Wattey Murrey
Jock Urwen
Chriſtie Halliday
John Pott
John Croſſer

Theſe are the names that I Willie Grame brother to Hutchin do anſwer for:

Jamie Bell
Jock Turner
Willie Philip
Wattie Stoope
Chriſtie Byers

Followeth

Followeth Jock's Johnie, and his;

Jock's Johnie and his
Jock Storie
Thomas Grame his man.

Theſe following are young Hutchin's mens names:

Thomas Urwen
Willie Twedopp (And 21 more).

Theſe are the names of Robert Grame's men ſon to Hutchin's Davy and Andrew his brother:

John Armſtrong
Willie Sarkbriggs
Edie Waughe
William Turner
John Glendonning
John Armſtrong
Davie Carrudders
George Sarkbriggs
John Bell
Jamie Grame

For theſe following Hutchin's Arthur doth anſwer:

Hutchin Grame ſon to Arthur
William Grame ſon to Hutchin's Arthur (And 20 more).

Theſe following be the names of thoſe that I William Grame of the Fauld will anſwer for:

William Grame of the Fauld
Walter Grame
Matthew Grame
William Grame
Robert Grame
Hutchin Grame
John Michelſon
Herbert Blakeburne
Geordie Kennedie
George Carne
William Coutert
Wattie Bell
Herbert Martin
Rinyon Grame
John Mayburne.

Their tenants;

Adam Glendonning

Theſe following are thoſe that William Grame of Roſetrees will anſwer for:

William Grame of Roſetrees
William Grame } his ſons
Wattie Grame }
Geordie Grame } his brether
Walter Grame }
Andrew Grame ſon to Geordie

Juſtice Grame
Francie Grame } his brether (with 46 more).
Geordie Grame }

Theſe are they that Davie Bankhead undertakes for:

Davie Grame
Thomas Grame his ſon
William Grame
Regnald Grame (And 24 more).

Theſe are they following that Jock of the Lake doth undertake for:

Jock Grame of the Lake
George Grame }
Richie Grame }
Chriſtie Grame } his ſons
Arthur Grame }
Francis Grame }
Robert Grame of Akeſhawhill
Fargus Grame } his ſons
John Grame }
Richie Grame of Akeſhawhill
Walter Grame
Will Grame his brother
With his tenants, in number 13.

Theſe following are thoſe that Dick's Davie will undertake for:

Davie Grame
Davie his ſon
Wattie his nephew
Richie Purdon
John Litle
William Pott
Robert Foſter

Theſe are they that Will Grame goodman of Medop, his eames [uncles], ſons, and friends will anſwer for:

Francie Grame
Robert Grame
Walter Grame
Arthur Grame
Richie Blakeburne
Hobbie Blakeburne
Jock Anderſon
Archie Halliday
William Taite
William Parke
Richie Anderſon
Robert Wright
John Glendoning.

The whole number of theſe names given in to my lord as aforeſaid, 439.

CHAP-

CHAPTER IX.

Of the ſtate of the Borders, during the reign of king James *the firſt.*

FROM the acceſſion of king James the firſt, when the two kingdoms came to be governed by one monarch, we begin to eſtimate the *modern* ſtate of the borders; as matters then began to incline, though but very ſlowly, towards a reformation.

The firſt thing king James did after his acceſſion was, to publiſh a proclamation for union between the two kingdoms, May 19, 1603, as followeth:

FORASMUCH as the king's majeſty, in his princely diſpoſition to juſtice, having ever a ſpecial care and regard to have repreſſed the ſlaughters, ſpoils, robberies, and other enormities, which were ſo frequent and common upon the Borders of theſe realms, and to have reduced and ſettled the ſaid Borders unto a perfect obedience, to the comfort of his highneſs's peaceable ſubjects, the courſe whereof hath been heretofore impeded by the difference of the Borders, Engliſh and Scottiſh; till it hath now pleaſed almighty God, in his great bleſſing to this whole iſland, by his majeſty's lawful ſucceſſion to the imperial crown of England, not only to remove this difference, but alſo to furniſh his highneſs with power and force ſufficient to proſecute that his majeſty's royal and worthy reſolution, as his highneſs hath already begun; intending that the bounds poſſeſſed by thoſe rebellious people, being in fertility and all other benefits nothing inferior to many of the beſt parts of the whole iſle, ſhall be no more the extremities, but the middle, and the inhabitants thereof reduced to perfect obedience; yet notwithſtanding, his majeſty is informed, that certain diſordered and wicked perſons of both Marches, enemies to peace, juſtice, and quietneſs, pretending ignorance of his majeſty's reſolution for the union of the two realms already ſettled in the hearts of all his good ſubjects, and feeding themſelves with a ſiniſter conceit and opinion that no ſuch union ſhall be eſtabliſhed and take effect, ſtill continue in all kind of robbery and oppreſſion; whereunto they are encouraged by the receipt and harbour granted unto them, their wives, children, goods, and gear in the inland and peaceable parts of both the realms, highly to his majeſty's contempt, and fruſtrating his highneſs's commiſſion granted to the effect aforeſaid: And therefore his majeſty, for the better ſatisfaction of all his good ſubjects who may ſtand in any doubt of the ſaid union, and to take away all pretence of excuſe from wicked and turbulent perſons, hath hereby thought good to publiſh and make known to all thoſe to whoſe knowledge theſe preſents ſhall come, that as his majeſty hath found in the hearts of all the beſt diſpoſed ſubjects of both the realms of both qualities, a moſt earneſt deſire that the ſaid happy union ſhould be perfected, the memory of all preterite diſcontentments aboliſhed, and the inhabitants of both the realms to be the ſubjects of one kingdom, ſo his highneſs will with all convenient diligence with the advice of the eſtates and parliament of both the kingdoms make the ſame to be perfected.

And in the mean time, till the ſaid union be eſtabliſhed with the due ſolemnities aforeſaid, his majeſty doth hereby repute, hold, and eſteem, and commands all his majeſty's ſubjects to repute, hold, and eſteem both the two realms as preſently united, and as one realm and kingdom, and the ſubjects of both the realms as one people, brethren and members of one body; and in regard thereof, that every one of them abſtain and forbear to commit any kind of robbery, bloodſhed, or any other inſolence or diſorder, or to receive and harbour the perſons, wives, children, or goods of the fugitives and outlaws of either of the realms, but to contain themſelves in peace and quietneſs and all ſuch dutiful behaviour as becometh good and loyal ſubjects: certifying all and every perſon who ſhall do, practiſe, or attempt any thing to the violating of theſe preſents, that they ſhall incur the puniſhment due to the ſaid rebels, and that the ſame ſhall be executed againſt them, with all rigour and extremity to the terror of others.

Given under our ſignet at our manor of Greenwich the nineteenth of May †.

In the ſame year, July 8, the king publiſhed another proclamation for concord and amity between the two nations; as follows:

We have, ſince our entry into this realm of England, had ſpecial care to make all our ſubjects know, with how equal affection we reſolved to proceed in all things which ſhould concern the ſafety or honour of our kingdoms, for both which we know we are to make one and the ſelf-ſame account to almighty God, under whom we hold all earthly things; in which reſpect we were very curious to prevent at our firſt coming all manner of offences or affronts which naturally ariſe between ſeveral nations at their firſt joining in ſociety and converſation; never ceaſing to lay ſevere commandment upon our greateſt ſubjects that came in with us, to ſuppreſs any injurious actions of any their ſervants or train, towards the meaneſt ſubject of Engliſh birth, in whom from the higheſt to the loweſt we have obſerved ſo great love and general obedience to us and our commandments; and whenſoever it hath come to our ears, that any offence hath been done by any of them, we have made them know how much it hath diſpleaſed us.

Nothwithſtanding, becauſe we do hear of many inſolences reported to be committed by our nation of Scotland to our Engliſh ſubjects, with this addition further, that the magiſtrates and juſtices are thought to be remiſs towards ſuch, in doubt leſt the ſame ſhould be offenſively reported to us; we have thought it convenient, as well for the ſatisfaction of the one ſort, as for admonition to the other, to publiſh by open ſignification, that ſeeing it hath pleaſed almighty God to call us to the ſupreme power over both, we are purpoſed to be an univerſal and equal ſovereign to them both, and to adminiſter juſtice where there ſhall be occaſion without any worldly reſpect to either of them; and therefore do hereby enjoin all lieutenants, deputy lieutenants, juſtices of peace, and all other our officers and miniſters of this kingdom, that whenſo-

† Rymer, v. 16. p. 506.

ever complaint ſhall be made to any of them, that breach of peace is committed by thoſe of our nation of Scotland, upon the ſubjects of England, or by the ſubjects of England upon thoſe of the nation of Scotland, in both which kinds we hear of many great abuſes, though ſometimes aggravated according to humour of the reporters, they ſhall carefully upon every complaint examine with all indifferency the particulars of every ſuch action, and cauſe puniſhment to be inflicted upon the party offending, without reſpect of nation, according to the laws of this realm.

And to the end they may not doubt to proceed to the execution thereof, as we do hereby not only aſſure them that we will ſtrengthen and maintain all officers and magiſtrates in the execution of their offices for the preſervation of the public peace of this realm, ſo if we ſhall ſee at any time that any magiſtrate ſhall be ſlow to redreſs ſuch grievances or puniſh the offenders, we ſhall have cauſe to think that they are willing to furniſh ſome cauſe of ſuch rumours, the rather to ſerve for colour or cauſe of further alienation, and ſo by conſequence of ſedition amongſt our people, and an hindrance to that union between both ſtates, which is one of the greateſt benefits that we bring with us to our people for their ſtrength and ſafety; in governing of whom, though we muſt uſe, as all other princes do, the miniſtry of ſubordinate miniſters, yet God almighty knoweth that in our own mind there is not a thought of partiality towards either of them, but an internal deſire and reſolution to afford indifferent grace and juſtice to all: For demonſtration whereof, we have been forced to publiſh thus much, leſt the iniquity of factious and unruly ſpirits might blemiſh the innocency and integrity of our heart towards all our ſubjects, whom we hold dearer than our own life.

Given at our caſtle of Windſor the 8th day of July 1603, in the firſt year of our reign of England, France, and Ireland, and of Scotland the ſix and thirtieth †.

In the ſame year, Dec. 4. the king iſſued a proclamation reſpecting the Grames in particular; againſt whom he ſeems to have had a peculiar averſion, the *Grames* having generally adhered to the Engliſh intereſt, and by reaſon of their number and vicinity having been a great annoyance to his ancient ſubjects of Scotland:

By the King.

Forasmuch as all our ſubjects in the north parts, who have felt the ſmart of the ſpoils and outrages done upon them at our firſt entry into this kingdom, by divers borderers, but ſpecially by the *Grames*, cannot be ignorant what care we have had, that puniſhment ſhould be done upon the offenders, having for that purpoſe to our charge maintained our forces to apprehend them and commiſſioners to try them according to the law; by whoſe travel, namely, of our couſin the earl of Cumberland our lieutenant there, with the aſſiſtance of other commiſſioners, things are brought to that point, that the offenders

† Rymer, v. 16. page 526.

are

are all in our mercy, and do all (but ſpecially the *Grames)* confeſs themſelves to be no meet perſons to live in thoſe countries, and therefore have humbly beſought us that they might be removed to ſome other parts, where with our gracious favour they hope to live to become new men, and to deſerve our mercy; although we do confeſs, we have rather inclined to this courſe of mercy, as a thing more agreeable to our nature, than the taking of ſo much blood as would be ſhed, if we ſhould leave them to the juſt cenſure of the law: Nevertheleſs, leſt our good ſubjects, ſeeing no ſuch execution preſently follow of our ſaid commiſſion, ſhould make other conſtruction thereof than is cauſe; we have thought good to make known to them, that this courſe for the preſent proceedeth from no alteration of our former deteſtation of ſuch injury, nor from want of care and affection to our good ſubjects oppreſſed by ſuch heinous offenders, but only for lack of means to provide preſently for the tranſplantation of theſe *Grames* elſewhere, to the intent their lands may be inhabited by others of good and honeſt converſation; we have thought it not amiſs, for better effecting thereof, and for eaſe of the priſons, to diſmiſs the vulgar ſort of them; retaining their heads and principals for pledges, not only to be anſwerable for their forthcoming when they ſhall be called for, but for their good behaviour alſo in the mean ſeaſon. Of all which our reſolution, we require all perſons to take notice, and to comfort themſelves with full aſſurance, that they ſhall find the effects at all times of our promiſes in all things tending to the weal of our people.

Given at Wilton the fourth day of December in the firſt year of our reign of England, France, and Ireland, and of Scotland the 37th.

Upon this occaſion, Mr. Bell gives an account of "THE tax aſſeſſed and "received for tranſplantation of the *Grames* in the year 1606; *viz.*

	l	*s*	*d*
The earl of Cumberland for Eſke	4	0	0
The lord William Howard for Gilſland	5	0	0
Dalſton lordſhip	4	10	0
Sir Edward Muſgrave	4	0	0
Mr. Salkeld of Corby	2	0	0
Mr. Harrie Dacre	2	0	0
Mr. Richard Fletcher	1	0	0
Mr. Briſkoe of Crofton	0	10	0
Mr. Thomas Middleton	1	0	0
Mr. Thomas Clyburne	0	6	8
Mr. John Borehead	0	5	0
Mr. Richard Kirkbryde	0	6	8
Part of Cumberland Ward by Dr. Studholme	16	13	6
Itonfield	0	8	0
Rockliffe	0	12	0
Bowneſs	0	8	5
The townſhips of Burgh pariſh	4	4	4
Armathwaite	1	10	0

Nuncloſe

	l	*s*	*d*
Nuncloſe	0	10	0
Petterel Crooke	0	4	6
Cargo and Stainton	0	15	0
Thurſtonfield	0	18	8
Kirkanders	0	6	3
Petterel Banks	0	4	5
Aykton	3	15	0
Great Orton	2	10	0
Kirkbanton	1	13	0
Lytle Banton	0	16	0
Kirkbryde	0	15	0
Sebraham	0	2	0
Houghton	0	12	0
Linſtock and Millhouſe	0	10	5
Skailby	0	19	4
Over Heſkett	0	7	0
Richardby	0	9	6
Blencogo	0	0	4
Dundraw	0	1	5
Wigton	1	7	1
Brunſketh	0	6	2
Upper Croſby	0	7	6
Nether Croſby	0	5	0
Waverley	0	4	2
Thureſby	2	5	0
Kirklinton pariſh	1	13	10
Stanwix pariſh, Etterby, and Terreby	1	6	4
Mr. Ralph Hilton	0	11	10
Botcherby	0	6	0
Warwick	0	10	0
Aglionby	0	5	0
Botchargate	0	6	0
Carlton	0	10	0
Allerdale Ward by Mr. Pearſon	97	0	0
Sir Harry Curwen	2	0	0
Mr. Cleter of Ravenſkarr	0	3	4
Leeth Ward	59	1	8
Mr. John Threlkeld	0	2	0
Buſkebeck in Sourby	0	13	0
Kirkoſwald in part	0	5	4
Mr. Thomas Waughe	0	3	0
Lamonby and Ainſtable	0	0	5
Wethermelock	0	2	8
John Skelton of High houſe	0	1	0

	l	s	d
Weſtmorland.			
Kendal Ward	96	13	0
Eaſt Ward	50	0	0
Weſt and Middle Ward	28	0	0
Mr. Harry Brougham	0	6	0
Total	408	19	9

Money diſburſed to the Grames for their tranſplantation:

Aug. 30th, 1606.

To Sir Ralph Sidley	300	0	0

Money diſburſed at their ſecond going over, Apr. 23. 1607.

To Arthur Grame of Netherby	2	0	0
To old Dick's Davy	2	0	0
To young Davy his ſon	2	0	0
To Will's Walter	2	0	0
To Mickle Willie	2	0	0
To William Grame of Cockplay	6	13	4
To David Grame of Bankhead	2	0	0
To William Grame of Langtown	2	0	0
To Grame of Nuke	3	0	0
To Richard Grame of Moathead	1	0	0
To Hugh's Francie Grame	2	0	0
To George Grame of Meadop	2	0	0
To William Grame of Blackford	2	0	0
To Richy Purdom	1	0	0
To Stephen Blackburne	0	10	0
To Walter Grame of Milles	1	0	0
To John Foſter	1	0	0
To George Grame of Hetherick	0	10	0
To Thomas Grame of Sleylands	0	5	0
To Thomas Robinſon for fraught and victuals for theſe into Ireland	13	6	8
More for fraught and victuals of another ſhip	3	10	0
Expence of horſe and men in attending them at Workington	1	4	6
Horſes and carts from Carliſle	0	6	2
Boats to ſea with men and luggage	0	5	0
To a footman with money and letters from the ſheriff of Weſtmorland	0	2	6
Money bags for all the taxes	0	3	4
	53	16	6

Money

Money diſburſed to the Grames at their third going over, Sep. 11. 1607.

	l	*s*	*d*
To Hutchin Grame	2	0	0
To Richy Grame of Breas	0	10	0
To Thomas Baty	0	10	0
To Arthur Grame of the Lake	1	0	0
To William Grame of Hetherſgill	0	10	0
To Peter Grame	0	10	0
To Flory Story	2	0	0
To Thomas Sanderſon	1	0	0
To Thomas Grame of Logan	1	0	0
Wife of William Grame of Medop	1	0	0
Wife of young Bletherbye	2	0	0
Wife of Walter Carliſle	4	0	0
Wife of William Langtowne	2	0	0
To Fargus Grame of Langtowne	1	10	0
To Archie Grame of Mill hill	2	0	0
James Maingie his charges in ſeeing theſe ſhipped at Workington	1	10	0
George Clay, in regard of his expences and travel, collecting of the money, and helping to get them in that were to be ſent into Ireland, and ſeeing proviſion made for them for all their ſeveral paſſages	12	1	5
	35	1	*5*
Sum total diſburſed	388	17	11
So remained of the ſum collected	20	1	10
Unto which a ſmall ſum being added, out of the ſame was allowed to be paid to William Grame of Mote	10	0	0
Arthur Grame of Mote	*3*	*6*	*8*
Richard Grame of Breckinhill	*3*	*6*	*8*
John Grame of Whole Shields	*3*	*6*	*8*
Edward Grame of Mills	*3*	*6*	*8*

Examined by us, Hen. Carliol'.
Wilfr. Lawſon.

In the mean time the king was very ſolicitous for an union between the two kingdoms, and for that purpoſe, in his wonted manner, iſſued a proclamation; for he was fond of proclamations, eſpecially when they were of his own compoſing, as the following from the ſtyle and manner thereof undoubtedly was, and which therefore we inſert chiefly as matter of curioſity.

By the King:

A Proclamation for the union of the kingdoms of England and Scotland.

As often as we call to mind the moſt joyful and juſt recognition made by the whole body of our realm, in the firſt ſeſſion of our high court of parliament, of that bleſſing which it hath pleaſed God to reſerve many years in his providence to our perſon, and now in the fulneſs of time of his diſpoſition to beſtow upon us, namely, the bleſſed union or rather reuniting of theſe two mighty famous and ancient kingdoms of England and Scotland under our imperial crown; ſo often do we think it our duty to do our uttermoſt endeavour for the advancement and perfection of that work which is of his beginning, and whereof he hath given ſo many palpable ſigns and arguments, as he that ſeeth them not is blind, and he that impugneth them doth but endeavour to ſeparate that which God hath put together. For to omit thoſe things which are evident to ſenſe, that the iſle within itſelf hath almoſt none but imaginary bounds of ſeparation, without but one common limit or rather guard of the Ocean ſea, making the whole a little world within itſelf, the nations an uniformity of conſtitutions both of body and mind, eſpecially in martial proceſſes, a community of language (the principal means of civil ſociety), an unity of religion (the chiefeſt band of hearty union, and the ſureſt knot of laſting peace); what can be a more expreſs teſtimony of God's authority of this work, than that two mighty nations, having been ever from their firſt ſeparation continually in blood each againſt other, ſhould for ſo many years immediately before our ſucceſſion be at peace together, as it were to that end, that their memory being free from ſenſe of the ſmart of former injuries, their minds might in the time of God's appointment more willingly come together, that it hath pleaſed him ſo to diſpoſe that this union is not inforced by conqueſt and violence, nor contracted by doubtful and deceivable points of tranſaction, but naturally derived from the right and title of the precedent princes of both kingdoms concurring in our perſon, alike lineally deſcended from the blood of both through the ſacred conjunction of wedlock, an union which is the work of God and nature, and whereunto the works of force or policy cannot attain.

We may add hereunto, that which we have received from thoſe that be ſkilful† in the laws of this land, that immediately upon our ſucceſſion divers of the ancient laws of this realm are *ipſo facto* expired. As namely, that of Eſcuage, and of the naturalization of the ſubjects; and that there is a greater affinity and concurrence between moſt of the ancient laws of both kingdoms, than is to be found between thoſe of any other two nations:

As namely,

In eſtates of inheritance and freehold, as fee ſimple, fee tail, tenant for life, by curteſy, dower, and ſuch like.

† This was Sir Francis Bacon (afterwards lord Verulam) who prepared a draught of a proclamation on this occaſion; which the editor of Bacon's works, vol. 2. p. 144. ſays was not uſed.

In

In caſes of deſcents of inheritance, in tenures of lands, as of knight's ſervice, ſocage, frankalmoin, burgage, villenage, and ſuch like.

In writs and forms of proceſs.

In caſes of trial by juries; grand juries.

And laſtly, in officers and miniſters of juſtice, as ſheriffs, coroners, and ſuch like; which we leave to be further conſidered by the commiſſioners of both realms.

All which, being matter prepared only by the providence of almighty God, and which by human induſtry could not have been ſo ordered; we and all our ſubjects ought firſt with all reverence to acknowledge his handy work therein, and to give him our moſt humble thanks for the ſame, and then to further by our endeavours that which his wiſdom doth by ſo many ſigns point out to be his will, whereof many particularities depending upon the determinations of the ſtates and parliaments of both realms, we leave them there to be diſcuſſed, according to the commiſſions granted by the ſeveral acts of both parliaments; and ſome other things reſting in our own imperial power, as the head of both, we are purpoſed, towards the building of this excellent work, to do by ourſelf that which juſtly and ſafely we may by our abſolute power do: And for a firſt ſtone of this work, whereupon the reſt may be laid, ſeeing there is undoubtedly but one head to both peoples which is ourſelf, and that unfeignedly we have but one heart and mind to communicate equally to both ſtates, as lines iſſuing from one center, our juſtice, our favours, and whatſoever elſe, dependeth upon the unity of our ſupreme power over both, God having miniſtred to us ſo juſt cauſe to embrace them both with equal and indifferent love, inaſmuch as our birth and firſt part of our life hath been in the one, and the latter part thereof is like to be for the moſt part in the other: we think it unreaſonable that the thing which is by the work of God and nature ſo much in effect one, ſhould not be one in name, unity in name being ſo fit a means to imprint in the hearts of people a character and memorial of that unity which ought to be amongſt them indeed.

Wherefore we have thought good to diſcontinue the divided name of England and Scotland out of our royal ſtyle, and do intend and reſolve to take and aſſume to us, in manner and form hereafter expreſſed, the name and ſtyle of king of Great Britain, including therein, according to the truth, the whole iſland, wherein no man can imagine us to be led by any humour of vain glory or ambition, becauſe we ſhould in that caſe rather delight in a long enumeration of many kingdoms and ſeigniories, whereof in our inheritance we have plenty enough, if we thought there were glory in that kind of ſtyle, but only that we uſe it as a ſignification of that which in part is already done, and ſignificant prefiguration of that which is to be done hereafter, nor that we covet any new affected name deviſed at our pleaſure, but out of undoubted knowledge do uſe the true and ancient name, which God and time have impoſed upon this iſle, extant and received in hiſtory, in all maps and charts wherein this iſle is deſcribed, and in ordinary letters to ourſelf from divers foreign princes, warranted alſo by authentical charters, exemplifications under ſeals, and other records of great antiquity, giving us precedent for our doing,

not borrowed out of foreign nations, but from the acts of our progenitors kings of this realm of England both before and ſince the Conqueſt, having not had ſo juſt and great cauſe as we have.

Upon all which conſiderations, we do by theſe preſents, by force of our kingly power and prerogative, aſſume to ourſelf, by the clearneſs of our right, the name and ſtyle of king of Great Britain, France, and Ireland, defender of the faith, &c.* as followeth in our juſt and lawful title, and do hereby publiſh, promulge, and declare the ſame, to the end that in all our proclamations, miſſives foreign and domeſtical, treaties, leagues, dedicatories, impreſſions, and in all other cauſes of like nature, the ſame may be uſed and obſerved.

And to the end the ſame may be ſooner and more univerſally divulged both at home and abroad, our will and pleaſure is, that the ſtyle be from henceforth uſed upon all inſcriptions upon our current monies and coins of gold and ſilver hereafter to be minted.

And for that we do not innovate or aſſume to us any new thing, but declare that which is and hath been evident to all, our will and pleaſure is, that in ſuch appellations or nominations as ſhall be hereafter made by force of theſe preſents, the ſame ſhall be expreſſed in ſuch and the ſame manner and form, and after ſuch computation, as if we had aſſumed and declared the ſame the firſt day of our reign of our realm of England; forbearing only for the preſent, that any thing herein contained do extend to any legal proceedings, inſtrument, or aſſurance, until further order be taken in that behalf.

Given at our palace of Weſtminſter the twentieth day of October †.

In the 4th year of the ſaid king's reign, the parliaments of both kingdoms repealed all hoſtile acts that had been made in former reigns againſt each other: And commiſſioners were appointed to treat of an union; but after ſome progreſs, it was ſilently dropped by the Engliſh parliament, chiefly (as it ſeemeth) from an abſurd policy of the king, in overvaluing his native kingdom, eſtimating the ſame as one third part of the whole iſland; whereas, in about a century after, when ſuch union actually took effect, the Scots were better informed, being contented that in the parliament of Great Britain they ſhould not exceed an eleventh or twelfth part, and in the land-tax ſhould bear ſcarce a fortieth part.

All this while, outrages in the Borders continued unremitted. Special commiſſions were iſſued again and again to try and puniſh delinquents; which

* Lord Coke, in his comment upon Littleton, ſpeaks ſomewhere in high terms of encomium of an &c, as containing certain excellent points of learning: perhaps this inſtance before us exhibits matter of more curious obſervation than any of thoſe on which that learned commentator hath deſcanted. If this &c. had been expreſſed in full, it muſt have run—*of the church of England and alſo of Ireland in earth the ſupreme head* (omitting Scotland; and which, if Scotland had been inſerted, the Scots would never have aſſented to) And from this time forward, the king's ſtyle hath moſt commonly run in this abbreviated form, *defender of the faith, and ſo forth.*

† Pat. 2. J. 1. Rymer. v. 16. p. 603.

com-

commiſſions differing little in form one from another, we here inſert one only as a ſpecimen of all the reſt:

JAMES by the grace of God, &c. To our truſty and well beloved Sir William Selby, Sir Robert Dallavell, Sir Wilfrid Lawſon, Sir William Seton, and Sir William Howme, knights, Joſeph Pennington, Edward Grey of Morpitte, Patrick Chermeſide of Eſtneſbitt, Robert Chartrons of Amisfield, and Gideon Murraye of Elybank, eſquires, and every of them, greeting.

Whereas by the happy union of the kingdoms of England and Scotland in ſubjection and allegiance by the providence of almighty God under our imperial crown in our royal perſon, the laws or uſages of the late marches or borders inſtituted or tolerated while they ſtood ſeparate or divided under ſeveral kings for the peace and tranquillity thereof are utterly fruſtrated and expired, and yet many of both nations dwelling near the late borders or marches (of ſuch force is cuſtom) do continue their former godleſs, looſe, and diſordered courſe of life; who by the ordinary and ſeparate proceeding of either country cannot, as the neceſſity of the cauſe requireth, be either ſo ſpeedily brought to the knowledge of God, and to obedience to us and to our laws (which we chiefly deſire), or ſuch as will not be reclaimed ſo ſoon cut off by the ſword of juſtice leſt they infect others, as by joining certain of our loving ſubjects of both nations in one commiſſion for that purpoſe, whom God hath already conjoined as members of one body under one head:

And foraſmuch as one of the greateſt cauſes of their offences is hope of impunity; and the greateſt motive of their hope is, after murders, felonies, riots, routs, unlawful aſſemblies, or other offences committed in either country, to eſcape puniſhment by flying into the other:

And foraſmuch as the ſaid laws and uſages of the late borders and marches are vaniſhed and delete, and for that it appertaineth to our kingly office to care and provide that all our loyal and obedient ſubjects may live in peace and tranquility, without fear of rapine and ſpoil and danger of their lives, and that murderers, felons, and other delinquents may be puniſhed according to our laws reſpectively in that behalf:

We have therefore thought good, as well to remove all occaſions of ſtrangeneſs and marks of diviſions between the ſaid nations, as alſo to take away all ſubterfuge and quench all the ſparks of any hope of eſcape from puniſhment in ſuch as ſhall offend, to join together in one commiſſion certain of either nation, for the eſtabliſhment and preſervation of our peace in thoſe parts, and for the utter ſuppreſſing and preventing of all ſuch exorbitant offences and diſorders, or elſe for the apprehending and ſending of ſuch offenders as ſhall perſiſt in their wickedneſs, to the country and place where they offended, to receive their condign puniſhment for their demerits according to law and juſtice reſpectively in that behalf.

Know ye therefore, that we, truſting in your wiſdoms, fidelities, and diſcretions, have conſtituted, authorized, and appointed you the ſaid Sir William Selby, Sir Robert Dallavell, Sir Wilfrid Lawſon, Sir Robert Seton, Sir William

liam Howme, knights, Joſeph Pennington, Edward Grey, Patrick Chermeſide, Robert Chartrons, and Gideon Murraye, eſquires, to be our commiſſioners, and by theſe preſents we do give full power and authority unto you and every ſix or more of you, to convene and aſſemble together and conſult, when, where, and as often as you or any ſix or more of you ſhall think fit, uſing therein all the poſſible expedition that may be, how and by what means our peace may be eſtabliſhed and preſerved, in the ſeveral counties, ſhires, ſhiredomes, and ſtewarties hereafter following, being about the middle part of our kingdom of Great Britain: That is to ſay, in the counties of Northumberland, Weſtmerland, and Cumberland, and in the ſhires or pariſhes of Norham, the Holy Iſland, and Bedlingdon, parcel of the county palatine of Durham, and in the ſheriffdoms and towns of Berwick, Roxburgh, Selkrigg, Pebles, Dumfreys, and in the ſtewarties of Kirkoubriche and Annerdale; and how and by what means the ſaid murders, felonies, riots, routs, unlawful aſſemblies, offences, and diſorders may be prevented, and the offenders according to law and juſtice reſpectively in that behalf puniſhed.

And further, our will and pleaſure is, and by theſe preſents we give unto you our ſaid commiſſioners, and every one or more of you, full power and authority from time to time and at all times, by all lawful ways and means, and with all poſſible expedition, as well to eſtabliſh, preſerve, and keep our peace within the ſaid counties, ſhires, ſheriffdoms, and ſtewarties, and each and every of them, and alſo to apprehend all ſuch malefactors and delinquents within the ſaid counties, ſhires, ſheriffdoms, and ſtewarties, or any of them, and to commit them to priſon or to other ſafe cuſtody, and further to ſend or deliver them to ſuch place and places, within any of our ſaid counties, ſhires, ſheriffdoms, ſtewarties, towns, and pariſhes, in either of our ſaid countries, where they may receive juſtice according to their demerits and our laws and ſtatutes reſpectively in that behalf.

And further, for the ſpeedy ſuppreſſing of the ſaid offenders, we do by theſe preſents charge and command the ſeveral ſheriffs of every of the ſaid counties and ſhires for the time being, to whom the charge and cuſtody of the ſame reſpectively appertaineth, to aſſiſt you and every of you, according to our laws reſpectively in that behalf, with the powers of the ſeveral counties, ſhires, ſheriffdoms, ſtewarties, towns, and pariſhes aforeſaid, as often as you, or any one or more of you, as is aforeſaid, ſhall require the ſame.

And alſo to aſſiſt and ſtrengthen yourſelves, or any one or more of you as is aforeſaid, with ſuch forces of men and horſemen, as we ſhall from time to time as occaſion ſhall ſerve aſſign unto you in that behalf, and to uſe the ſame as often as you or any one or more of you ſhall think fit, as well for the preſervation of our peace in the counties, ſhires, ſheriffdoms, ſtewarties, towns, and pariſhes aforeſaid, and each and every of them, as for the apprehending of any of the malefactors or delinquents within the ſame, to the end they may be conveyed and brought to the ordinary trial and judgment of our laws reſpectively made and provided in that behalf.

And that our will and pleaſure herein expreſſed may take the more ſpeedy effect; we do by theſe preſents give full power and authority unto you or any one

one or more of you, to do and execute all and every other lawful or neceſſary act and acts, thing and things whatſoever, which you or any one or more of you as is aforeſaid ſhall think fit and neceſſary for the doing and ſpeedy execution of this our commiſſion.

And whatſoever you or any one or more of you ſhall do or cauſe to be done by virtue of this our commiſſion, and according to the tenor and effect of the ſame, touching the execution of the premiſſes or any part thereof; theſe preſents ſhall be to you, and every one or more of you, a ſufficient warrant and diſcharge in that behalf, againſt us, our heirs and ſucceſſors.

And further we will and command all and ſingular our ſheriffs, juſtices of the peace, bailiffs, conſtables, headboroughs, and all other our officers, miniſters, and ſubjects, to whom it ſhall or may appertain, that they and every of them ſhall not only by all poſſible ways and means uſe their uttermoſt endeavours and have ſpecial care in and about the due execution of their ſeveral authorities and powers, according to the duties of their ſeveral places and the truſt we have repoſed in them, for ſuppreſſing and preventing the ſaid inconveniences, offences, and diſorders, but alſo that they and every of them be helping, aiding and aſſiſting you and every one or more of you as aforeſaid in the execution hereof, as they and every of them tender our pleaſure, and will anſwer to the contrary at their utmoſt perils.

And our further will and pleaſure is, that theſe our letters of commiſſion ſhall be in due manner made and ſettled as well under our great ſeal of England as under our great ſeal of Scotland, without any other or further warrant from us to be had or obtained in that behalf.

In witneſs whereof we have cauſed theſe our letters of commiſſion, as well under our great ſeal of England as under our great ſeal of Scotland to be made patent.

Witneſs ourſelf at Weſtminſter the 25th day of February (1605) †.

NEXT followeth a copy of the condeſcendings of the ſaid commiſſioners, as well Engliſh as Scottiſh, touching the execution of their ſaid commiſſion, Apr. 9. 1605.

Firſt, it is agreed, that Sir Wilfrid Lawſon knight ſhall be convener of the reſt of the commiſſioners, according to the articles thereanent contained in his majeſty's inſtructions, and ſo continue for the ſpace of three months next coming.

Item, It is agreed, that concerning old feuds between the low countries there ſhall be a general aſſurance.

Item, It is agreed, that old feuds ſhall be put to agreement, or elſe the party offending to lie by it, viz. Engliſhmen in Edinburgh, and Scottiſhmen in Newcaſtle, until they will agree; and in the mean time the parties to be bound to keep the peace: And for new feuds, that juſtice ſhall be executed upon the offenders according to the law reciprocally.

† Rymer, v. 16. p. 609.

Alſo,

Alſo, It is agreed, if any Engliſhman ſtrike a Scottſman, or contrariwiſe if any Scotſman ſtrike an Engliſhman, without weapon; the party offending ſhall be committed to the next gaol, there to remain 3 days without bail: And if the ſaid parties ſhall ſtrike with weapons, then to lie in gaol for 20 days without bail. And if the party be hurt, then he ſhall not be delivered at the 20 days end, until he make ſuch further ſatisfaction to the party as the commiſſioners that committed him ſhall think fit. But if the hurt fall out to be a maiming or mutilation; then the party offending ſhall not be delivered after the 20 days impriſonment, until he perform the order of two of his majeſty's commiſſioners for ſatisfaction of the party maimed. And if death follow, then the offender to receive his puniſhment according to his majeſty's laws reciprocally.

Item, It is agreed, that if any Engliſhman ſteal in Scotland, or any Scotſman ſteal in England, any goods or cattels amounting to the value of 12*d*; he ſhall be puniſhed by death: And that all acceſſaries to ſuch felonies, viz. outputting, or reſetting, ſhall likewiſe ſuffer death for the ſame.

Alſo, It is agreed, that proclamation ſhall be made, that all inhabiting within Tindale and Riddſdale in Northumberland, Bewcaſtle dale, Wilgavey, the north part of Gilſland, Eſk, and Leven in Cumberland, Eaſt and Weſt Tevidale, Liddeſdale, Eſkdale, Ewſdale, and Annerdale in Scotland (ſaving noblemen and gentlemen, unſuſpected of felony or theft, and not being of broken clans) and their houſhold ſervants, dwelling within thoſe ſeveral places before recited, ſhall put away all armour and weapons, as well offenſive as defenſive, as jacks, ſpears, lances, ſwords, daggers, ſteelcaps, hagbuts, piſtols, plate ſleeves, and ſuch like; and ſhall not keep any horſe, gelding, or mare, above the price of 50*s* ſterling, or 30*l* Scots; upon like pain of impriſonment.

Item, That proclamation be made, that none of what calling ſoever, within the countries lately called the Borders, of either of the kingdoms, ſhall wear, carry, or bear any piſtols, hagbuts, or guns of any ſort, but in his majeſty's ſervice; upon pain of impriſonment, according to the laws of either kingdom.

Item, That proclamation be made, that all landlords or officers within the bounds above contained ſhall, at the firſt ſeſſion, gaol delivery, or general meeting of the ſaid commiſſioners, to be holden within the ſeveral bounds either Engliſh or Scotiſh, come to the ſaid juſtice courts provided to give up in writing a ſpecial account upon their oaths, of the number, quantity, and names of all their tenants or inhabitants, and their ſons dwelling with them or under them, and what manner of form or trade of life they relieve or maintain themſelves by; that ſuch may be known which are not able to maintain themſelves but by evil practice: whereby they may be either puniſhed, or otherwiſe provided for, as the ſaid commiſſioners ſhall think meet and convenient.

Finally, It is ordered, that the bills of complaints which are to be exhibited to the ſaid commiſſioners, ſhall be orderly placed, viz. as the offence was

was done, according to the time; and thoſe which were lateſt done to be firſt heard: and ſo orderly to be redreſſed as they ſhall be called for.

William Seton	Robert Dallivell
William Hume	Wilfride Lawſon
Patrick Chirnſide	John Charters
Joſeph Pennington	Edward Grey.

HERE next followeth "A Proclamation, July 22, 1614, for apprehending the Grames returned from tranſportation."

By the King.

IT always hath been and is our natural diſpoſition, and the temper of our government to purge our dominions of malefactors, and nevertheleſs draw as little blood as may be, and rather to prevent offences than ſuffer them to go on to the hurt of the innocent ſubjects, and the final deſtruction of the malefactors themſelves: According to which mixture of clemency and good policy, we did in the firſt year of our reign proceed againſt the Grames, being the principal and moſt violent diſturbers of the peace and quiet of the middle ſhires. For notwithſtanding that numbers, by barbarous ſpoils, ſlaughters, and outrages were fallen under the ſword of our juſtice to be capitally inflicted upon them; yet we were pleaſed to extend mercy unto them, and upon their own ſuit and humble proſtrating of themſelves by ſubmiſſion, to remove them and tranſplant them into our realm of Ireland, there to become new men, and to put off their wicked and deſperate courſe of life formerly continued in blood and rapine. For which purpoſe we did at that time publiſh our royal proclamation, and alſo direct our commiſſion, for the effecting of the ſame; which, not without the great charge of us and the country thereabouts in their ſhipping and removing, was executed accordingly. But now being given to underſtand, that divers of them are of late returned into the ſaid middle ſhire, and begin to revive their old courſes of robbing, riding armed, and other heinous diſorders, to the great terror of our loving ſubjects there inhabiting, and to the manifeſt contempt of our former grace and mercy, and to the renewing of former troubles and dangers in thoſe parts, which at this time by our politick and peaceable government enjoy equal benefit of peace and ſecurity with the reſt of our counties.

We do therefore hereby ſtrictly forbid, That none of the ſaid Grames hereafter do preſume to return into our realms of England or Scotland, out of Irelend, or the cautionary towns of the Low Countries whereunto ſome of them are ſent, and are ſince returned into Ireland, without the ſpecial licence of out deputy of Ireland for the time being, which licence we intend to be according to ſuch directions, and with ſuch cautions, as we have already preſcribed unto our ſaid deputy.

And further we do, in like ſtrict manner command and ordain, that if any of them ſhall be taken within theſe middle ſhires within the ſpace of 40 days

after this our proclamation, or any other time after ſuch limitation of ſtay as may be given to them in any their licences, that forthwith with all ſearch and diligence they be apprehended and committed to priſon, and further proceeded with, as well upon any their former crimes, as upon the contempt of this our royal commandment, according to the uttermoſt ſeverity of our law, and according to the directions formerly given by us and our council for the government of thoſe parts; and that as well our right truſty and right well beloved couſin the earl of Cumberland, and our right truſty and well beloved the lord Weldein our lieutenant in thoſe parts, as alſo all our other commiſſioners, juſtices, and miniſters for the middle ſhires, do take ſpecial care and order for the due and ſtrict executing of this our proclamation, obſerving in all other points not here mentioned their former inſtructions.

Given at Royſton the two and twentieth day of July, in the twelfth year of our reign of England, &c.

NEXT follows a warrant for *ſlough dogs*, for purſuing offenders through the *ſloughs*, moſſes, and bogs, that were not paſſable but by thoſe who were acquainted with the various and intricate by-paths and turnings. Theſe offenders were peculiarly ſtyled *moſs troopers:* And the dogs were commonly called *blood hounds*; which were kept in uſe till within the memory of many of our fathers. And all along, the purſuit of *hot trod (flagrant delicto*, with *red hand*, as the Scots term it) was by *hound* and horn and voice. And the following warrant aſcertains by whom and where thoſe dogs were to be kept.

Sep. 29. 1616. Sir Wilfride Lawſon and Sir William Hutton knights, two of his majeſty's commiſſioners for the government of the middle ſhires of Great Britain, To John Muſgrave the provoſt marſhall and the reſt of his majeſty's garriſon (of Carliſle) ſend ſalutations. Whereas upon due conſideration of the increaſe of ſtealths daily growing both in deed and report among you on the borders, we formerly concluded and agreed, that for reformation therefore watches ſhould be ſet, and ſlough dogs provided and kept, according to the contents of his majeſty's directions to us in that behalf preſcribed; and for that, according to our ſaid agreement, Sir William Hutton at his laſt being in the country did appoint how the watches ſhould be kept, when and where they ſhould begin, and how they might beſt and moſt fitly continue. And for the bettering of his majeſty's ſervice, and preventing further danger that might enſue by the outlaws, in reſorting to the houſes of Thomas Routledge, alias Baylihead, being near and next adjoining to the marches (he himſelf being fled to amongſt them, as is reported) order and direction was likewiſe given that ſome of the garriſon ſhould keep and reſide in his the ſaid Thomas Routledge's houſes, and there to remain till further directions be given them, unleſs he the ſaid Thomas Routledge ſhall come in and enter himſelf anſwerable to his majeſty's laws as is convenient: Now we further, by virtue of our authority from his majeſty ſo as directed touching the Border ſervice, do command you, that the ſaid watches be duly ſearched as was appointed, and preſentments to us or one of us to be made, of every

fault, either in conſtables for their neglect in not ſetting it forth, or in any perſons ſlipping or neglecting their duties therein; and that you likewiſe ſee that ſlough dogs be provided according to our former directions, and as this note to this warrant annexed particularly ſets down.

A note, how the ſlough dogs are to be provided and kept, at the charge of the inhabitants, as followeth:

Imprimis, beyond Eſke by the inhabitants there to be kept above the foot of Sarke	1 Dogge.
Item, by the inhabitants the inſide of Eſke to Richmont's Clugh, to be kept at the Moate	1 Dogge.
Item, by the inhabitants of the pariſh of Arthered, above Richmont's Clugh, with the Bayliffe and Black quarter; to be kept at the Bayliehead	1 Dogge.
Item, Newcaſtle pariſh, beſides the Baylie and Black quarters; to be kept at Tinkerhill	1 Dogge.
Item, the pariſh of Stapylton	1 Dogge.
Item, the pariſh of Irdington	1 Dogge.
Item, the pariſhes of Lanercoſt and Walton	1 Dogge.
Item, Kirklington, Skaleby, Houghton, and Richarby	1 Dogge.
Item, Weſtlinton, Roucliff, Etterby, Stainton, Stanwix, and Cargo; to be kept at Roucliff	1 Dogge.

The ſheriff, officers, bailiffs, and conſtables, within every circuit and compaſs wherein the ſlough dogs are appointed to be kept, are to take care for taxing the inhabitants towards the charge thereof, and collect the ſame, and for providing the ſlough dogs; and to inform the commiſſioners if any refuſe to pay their contribution, ſo as thereby ſuch as refuſe may be committed to the gaol till they pay the ſame.

CHAPTER X.

Of the ſtate of the Borders, from the reign of king James the firſt to the preſent time.

DURING the reign of king Charles the firſt, we meet with no regulations in particular relating to the Borders. The ruling powers were moſt commonly otherwiſe employed. And towards the end of that unhappy prince's reign, the whole kingdom became Borderers, that is, acted the part of Borderers one againſt another.

Soon after the Reſtoration of king Charles the ſecond, the Marches became again an object of public attention, when the act of the 13th and 14th Cha. 2. c. 22. (1662), was made, intitled, "An act for preventing of theft and rapine upon the Northern Borders of England;" which was explained by two

ſubſequent acts, 18 Cha. 2. c. 3. and 29 and 30 Cha. 2. c. 2. all of which are in force at this day, and are in ſubſtance as follows:

"WHEREAS a great number of lewd diſorderly and lawleſs perſons, being thieves and robbers, who are commonly called *Moſs-troopers*, have ſucceſſively for many and ſundry years laſt paſt, been bred, reſided in, and frequented the Borders of the two reſpective counties of Northumberland and Cumberland, and the next adjacent parts of Scotland; and they, taking the opportunity of the large waſte ground, heaths and moſſes, and the many intricate and dangerous ways and by-paths in thoſe parts, do uſually, after the moſt notorious crimes committed by them, eſcape over from the one kingdom into the other reſpectively, and ſo avoid the hand of juſtice, in regard the offences done and perpetrated in the one kingdom cannot be puniſhed in the other:

And whereas ſince the time of the late unhappy diſtractions, ſuch offences and offenders as aforeſaid have exceedingly more increaſed and abounded, and the ſeveral inhabitants of the ſaid reſpective counties have been for divers years laſt paſt neceſſitated, at their own free and voluntary charge, to maintain ſeveral parties of horſe for the neceſſary defence of their perſons, families, and goods, and for bringing the offenders to juſtice; and whereas moſt part of the inhabitants of the ſaid counties being more remote from the Borders than other parts, and conſequently not ſo much expoſed to imminent dangers as others, are therefore unwilling to contribute their proportionable parts of the aforeſaid charge, and yet notwithſtanding, it cannot probably or poſſibly be avoided, but that thoſe inhabitants of the reſpective counties who hold themſelves moſt ſecure, muſt certainly ſuſtain much damage and detriment in their goods and eſtates, in caſe the aforeſaid *moſs-troopers* be not timely ſuppreſſed, but ſuffered to grow numerous, ſtrong, and potent, which they muſt needs do in caſe there be no reſtraint upon them:

It is therefore enacted, that the juſtices of peace in ſeſſions ſhall have power to order an aſſeſſment on every of the inhabitants of the ſaid counties, for the ſafeguard of the ſaid ſeveral counties and inhabitants thereof, from all injury, violence, ſpoil, and rapine of the *moſs-troopers* aforeſaid; ſo as Northumberland be not charged above 500*l.* a year, nor Cumberland above 200*l.*

And the ſaid juſtices ſhall have power to employ any perſon, to be choſen by them yearly or every two years at the furtheſt, to have the command of a certain number of men, not exceeding 30 in Northumberland and 12 in Cumberland, whereby the malefactors may be ſearched out, apprehended, and brought to trial: And ſuch malefactors being convicted of theft in the ſaid counties reſpectively, ſhall not have the benefit of clergy.

And the ſaid juſtices ſhall take ſecurity of the perſon by them employed in the ſaid ſervice, to anſwer the damages ſuſtained by any perſon by his neglect or default, and to pay the ſame within four months after proof thereof made on oath at the ſeſſions; ſo as the goods ſtolen be entred in one of the books to be kept for that purpoſe, within 48 hours after the ſame ſhall be ſtolen or gone: which books ſhall be kept for that end in every market

town of the reſpective counties, and at ſuch other convenient places therein, and by ſuch perſons, as the ſaid juſtices in ſeſſions ſhall appoint."

FINALLY: In the 5th year of queen Anne, 1706, Articles of UNION were agreed upon, by commiſſioners of both kingdoms reſpectively, and confirmed by their reſpective parliaments; that from thenceforth the two kingdoms of England and Scotland ſhould be for ever united into one kingdom, by the name of *Great Britain*; and that the enſigns armorial of the ſaid united kingdom ſhall be ſuch as her majeſty ſhall appoint; and the croſſes of St. George and St. Andrew be conjoined in ſuch manner as her majeſty ſhall think fit, and uſed in all flags, banners, ſtandards, and enſigns, both at ſea and land:

That the ſucceſſion to the monarchy ſhall be and remain to the princeſs Sophia, electoreſs, and ducheſs dowager of Hanover, and the heirs of her body, being proteſtants; and that all papiſts, and perſons marrying papiſts, ſhall be for ever excluded:

That the crown, ſcepter, and ſword of ſtate, the records of parliament, and all other public records, continue to be kept in Scotland as they were before the Union:

That the kingdom ſhall be repreſented by one and the ſame parliament:

That 16 peers of Scotland ſhall ſit in the houſe of lords; and 45 commoners in the houſe of commons:

That when the land tax for England ſhall be 1,997,763*l* 8*s* 4½*d*; Scotland ſhall pay 48,000*l*.

With many regulations reſpecting trade and navigation, exciſe, cuſtoms, duties, ſubſidies, and adminiſtration of juſtice:

With confirmation of two acts of parliament; one for ſecuring the church of England as by law eſtabliſhed, the other for ſecuring the preſbyterian church government in Scotland.

From this bleſſed period, hoſtilities in the Borders have by degrees ſubſided; and as the then generation, which had been brought up in rapine and miſrule, died away, their poſterity on both ſides have become humanized; the arts of peace and civil policy have been cultivated; and every man lives ſafe in his own poſſeſſions; felonies and other criminal offences are as ſeldom committed in theſe parts, as in moſt other places of the united kingdom; and their country, from having been the outſkirt and litigated boundary of both kingdoms, is now become the center of his majeſty's Britiſh dominions †.

Nevertheleſs, the old wounds have left ſome ſcars behind. Much common and waſte ground remains, which will require a length of time to cultivate

† There is now remaining only one ſpecies of theft peculiar to the borders; and that is, where a man and woman ſteal each other. They haſten to the Borders. The kindred of one ſide or the other ſometimes riſe, and follow the fray. But the parties fugitive moſt commonly outſtrip them; paſs over into the oppoſite Marche, without any hoſtile attempt; get lovingly married together, and return home in peace.

and

and improve. The churches near the Borders are many of them in a ruinous condition, and very meanly endowed. In many of the parishes there is not so much as an house for the incumbent to live in, and in some parishes no church. And some defects there are in the civil state, which nothing but the legislature can supply. Whilst the laws of marche subsisted, criminal offences were speedily redressed by the power of the lords wardens or their deputies; and after the abolition of the laws of marche, the said offences were redressed by special commissioners appointed for the Borders: And matters of property of any considerable consequence were most commonly determined in the court at York for the Northern parts. The judges in their circuit came only once in the year, and sometimes much seldomer. They still come only once in the year into the bordering counties; which causes determinations of civil rights to be dilatory, and confines criminals (or perhaps innocent persons) in prison sometimes near a twelvemonth before they can come to their trial.

THE

THE HISTORY AND ANTIQUITIES OF THE COUNTIES OF WESTMORLAND AND CUMBERLAND.

OF WESTMORLAND IN GENERAL.

WESTMORLAND, *Weſtmoreland*, or as it is anciently written *Weſtmerland*, hath its name, according to common acceptation, from its being a *weſtern mooriſh* country. The learned archbiſhop Uſher, in his Antiquities of the Britiſh churches, page 303, quotes ſeveral authors as deriving it from *Marius* a king of the Britons, who in the firſt or ſecond century defeated Roderic or Rothinger a Pictiſh general from Scythia, upon the mountain now called Stanemore; in memory whereof (he ſays) Reicrois or Rerecroſſe (a red, or royal croſs) was erected: and from him that part of the kingdom was called *Weſtmerland*. But Mr. Camden treats this notion as chimerical, and ſays, it is only a fancy that ſome people have taken in their ſleep *, and is poſitive that the county hath received its name from the barren, mountainous, uncultivated, *mooriſh* land (as he is pleaſed to repreſent it). Nevertheleſs, there is not one ancient record that we have met with, wherein it is not expreſsly called *Weſtmerland*, and not *Weſtmorland*, or *Weſtmoreland*; which doth not altogether favour Mr. Camden's ſuppoſition:

* Quia tota inter montes alte pertingentes ſit ſita, et magna ex parte inculta jaceat, hoc nomen in noſtra lingua invenit. Loca etenim inculta, et quæ non facile agricultura ſublevari poſſint, *mores* Angli ſeptentrionales vocant, et *Weſtmorland* nihil aliud eſt nobis, quam inculta ad occaſum regio. Ex venerandæ igitur antiquitatis ſchola illud de *Mario* rege ejiciatur ſomnium, quem Pictos contudiſſe, et de ſuo nomine hanc regionem denominaſſe, reſupini noſtri hiſtorici per quietem viderunt.

the Latin termination is *Weſtmaria*, ſometimes *Weſtmeria*, which hath ſtill leſs reſemblance of the *moor*. If the county had bordered upon the *weſtern ſea*, it might have been conjectured that it had received its name from thence; but as Cumberland lies between this county and the ſea on the weſt, it can ſcarcely admit of that derivation. Therefore we muſt be content to leave it in the ſame uncertainty as we found it.

This county is *bounded* on the Eaſt by the counties of Durham and York; on the South, by the counties of York and Lancaſter; on the Weſt, by the counties of Lancaſter and Cumberland; and on the North, by the counties of Cumberland and Durham.

The *length* of this county, from Heron-ſike in the pariſh of Burton on the South, to where it adjoins to the counties of Cumberland and Durham on the North, is about forty miles; and the *breadth* thereof is nearly the ſame, from the top of Stanemore on the Eaſt, to Great Langdale on the Weſt; according to the Engliſh ſtandard, of 1760 yards to a mile, and not according to the cuſtomary meaſure of the country, which is after the proportion of about two computed miles to three meaſured ones. From what ſource this difference in the length of miles did ariſe, we have not been able to diſcover. It hath no reference to the Roman mile. Theirs was ſomewhat ſhort of the Engliſh ſtatute meaſure, in the proportion (according to Mr. Horſley) of about 13 to 14. Mr. Horſley further obſerves, that through the moſt part of England, three computed miles make four in the Itinerary (that is, Roman miles). Near Wales, and in the weſtern as well as northern parts of England, two Engliſh computed miles make three Roman. It is nearly the ſame alſo in Scotland, and in ſome croſs-roads. About London and 20 miles round, they are near equal, or not above one or two in twenty different. *Horſl.* 382, 383.

There is alſo in the counties of Weſtmorland and Cumberland a menſuration of *acres*, called cuſtomary meaſure, which varies from the ſtatute meaſure, and is itſelf alſo diverſe in different places. The moſt general cuſtomary meaſure is that of 6760 ſquare yards to the acre, whereas the ſtatute meaſure is only 4840. In ſome parts of Weſtmorland, the cuſtomary acre is meaſured to 7840 yards *; as if where the land is bad, they were willing to give ſo much the greater meaſure. And there was good reaſon for this, inaſmuch as they proportioned the military duty according to the number of acres that a man poſſeſſed. But this could be no rule as to the miles: there being no reaſon, where the road was bad, that therefore they ſhould make the miles ſo much the longer.

The AIR in this county (eſpecially in winter) is ſomewhat ſharp and ſevere, but withal very healthful; and people live commonly to a very great age. And whereas in cities and great towns, ſcarce above one third part of thoſe

* And this is alſo the meaſure of the Iriſh plantation acre. *Smith*'s County of Down, p. 7.

that

that are born do ſurvive the age of two years, in this county generally not above one in thirteen or fourteen dies within that age.

The SOIL of this county is in many places, as Mr. Camden deſcribes it, barren and unfruitful; there being much uncultivated waſte ground, and much of it incapable of cultivation. Yet there are many fruitful and pleaſant vallies; and the bottom of Weſtmorland (as it is called) hath a conſiderable quantity of level ground, though ſurrounded on every ſide with high mountains.

Lying near the weſtern ocean, it is much expoſed to RAIN, brought by the South-weſt winds, which blow in this part for above two thirds of the year. Hence their crops are later by three, four, and in ſome places ſix weeks, than in ſome other parts of the kingdom.

This county abounds with MOUNTAINS, which in the language of the country are called *Fells*, this being the genuine Saxon appellation, and the word is yet retained as an epithet in our language, to ſignify ſomething that is wild and boiſterous, as we ſay a *fell* tempeſt, a *fell* tyrant, or the like.

Yet theſe mountains are not altogether unprofitable. Beſides that they fan the air, and render it ſalubrious, they feed large ſtocks of SHEEP, of the wool whereof the farmers make great advantage. And the ſheep being very ſmall, and fed for the greater part of the year upon the ling, their mutton is moſt excellent, eſpecially that which is killed in ſummer and autumn from off the common. The wool of the ſheep is coarſe and thick, ſuitable to the climate; and, which is very remarkable, where larger ſheep, with finer and thinner fleeces, have been introduced, the breed gradually diminiſhes, and the fleece grows thicker, as if nature intended to adapt the animal to its ſituation. So the ſame ſheep, or other cattle, removed to a more favourable climate, grow larger and finer.

Theſe mountains alſo produce plenty of GROUSE, or moor-game; which are nouriſhed in like manner chiefly by the ling. And when that ſhrub is in flower, about the middle of September, it attracts the induſtrious BEE; ſo that the heath at that ſeaſon ſeems to be covered as it were with one large ſwarm. This ſhrub in Latin is called *bruera*, and in Domeſday-book *bruæria*.

The ſaid mountains alſo abound with RIVULETS, which water the vallies beneath: inſomuch that in almoſt every little village there is water ſufficient to carry a mill; which renders the precarious help of windmills ſuperfluous: though, if need ſhould be, there are few countries better ſituate for ſuch like conveniences.

Nor are theſe mountains inconſiderable in reſpect of the MINERALS they contain. The Reverend *Thomas Robinſon*, rector of Ouſby, who was a con-

noiſſeur in that branch of ſcience, in an Eſſay towards a Natural Hiſtory of Weſtmorland and Cumberland, publiſhed in the year 1709, treats of the ſame in the following manner: he firſt takes notice of the mineral productions along the ridge of mountains on the North, beginning from Stanemore, aſcending gradually to the top of Croſs-Fell, and from thence deſcending by the like gradation to Gilſland in Cumberland. "The firſt elevation of this "ridge (he ſays) is called *Hilton Fell*; the mineral productions whereof are "lead and coal: which being of a diſagreeing nature, the one renders the "other of little value. The proſpect of lead upon this fell, is only from the "appearance of ſeveral veins of ſpar, ſoil, and vein-ſtone, breaking out "upon the ſurface; and theſe being oftentimes either unripe or dead veins, "cheat the miners with vain hopes.—The ſecond elevation of this ridge is "called *Dufton Fell*; the mineral productions whereof are chiefly lead: of "which there is ſuch plenty got, as keeps a lead mill for the moſt part ſmelting down the ore. That which is here moſt remarkable is, that all the ore "got upon this mountain is not found in natural veins, which run down "perpendicularly or ſloping (which is moſt uſual), but in ſeams like coal, "which run parallel, being incloſed within the ſtrata of an hard and ſolid "limeſtone fill, without any conſiderable depreſſion from the horizon. This "we generally call flat ore, being the overflowing of a rich vein; and doubtleſs, if the miners would be at the charge of croſs-cutting the riſe of this "limeſtone-fill, they would diſcover the vein from whence this ore doth flow. "Upon this mountain there is a petrifying ſpring, which turns moſs, or any "other porous matter, that either falls into the water and ſucks it up, or "comes within the ſteam and vapours that ariſe from it, into ſtone; inſomuch "that upon the mouth of the well there is raiſed a conſiderable hill of ſuch "petrefactions.——The third elevation of this ridge of mountains is called "by the name of *Silverband*; ſo called from the richneſs of the ore, which "when refined by art yields a valuable product of ſilver.——The fourth elevation is called *Blencarn-Fell*: the mineral productions, by the veins of ſpar "and ſoil which appear at day, ſeem to be lead; there having been as yet no "trials made.——The fifth elevation is *Kirkland-Fell*; which, as well as the "other mountains, hath its veins of ſpar: but as yet no trials have been "made.——The ſixth and higheſt elevation is *Croſs-Fell*. From whence "deſcending the firſt depreſſion is *Green-Fell*; the mineral productions whereof "are lead, copper, coal, and oker. The copper is very rich, but ſo intermixed with the lead ore in the ſame vein, that it requires ſome labour to "ſeparate them. In this fell there is a large vein of copperiſh ſulphur two "yards wide, which is diſcovered by the rivulet. I doubt not, but if this "vein were ſunk down, till it got its natural feeder, it would turn to a rich "vein of copper; for it is very uſual in the kingdom of Peru, that the richeſt "veins are ſulphur at the top, and as they get more moiſture, turn to copper, "and when ſunk deeper into the veins, turn to ſilver. The coal lieth upon "the inſide of the mountain, and is ſo broken and diſjointed that it turns to "no account.——The ſecond depreſſion is *Melmerby Fell*; the mineral productions are lead, of which ſome quantities have been got; the veins are

"very

" very hopeful, but no thorough trials have been made.——The third de-
" preſſion is *Gamelſby Fell*, known by the name of *Hartſide*. The mineral pro-
" ductions are chiefly coal. There is ſome appearance of veins of glaſſy ſpar
" and float copper, but no trials of either have been made. Here the
" metallic claſs changeth into a claſs of coal; and as the lead gradually goes
" off, ſo the ſeams of coal do gradually come in and increaſe. The ſeam of
" coal at Hartſide colliery is about half a yard thick.——The fourth de-
" preſſion is *Buſk Fell*, where no trials have been made.——The fifth de-
" preſſion is *Renwick Fell*, where the ſeam of coal is increaſed to three quarters
" thick.——The laſt and loweſt depreſſion is *Coal Fell*, ſo called from the
" colliery. Here the coal claſs is in full ſtrength and perfection, the ſeams
" being at their full height and growth.——All the ſolid ſtrata upon theſe
" mountains have their horizontal depreſſions, which the miners call dibbing
" and riſing; and they dib moſt commonly to the north."

He then proceeds to the inner parts of the county of Weſtmorland, and obſerves, " At *Reagill* and *Sleagill* we meet with ſome ſmall ſeams of coal, the " main body of the coal lying upon Stanemore-heath; ſo that if the miners " ſhould ſink there for a lower coal and a thicker ſeam, they would run a " hazard of loſing both labour and money. For as in all claſſes of coal, the " ſeams gradually increaſe in thickneſs till they come to their full height and " growth; ſo they gradually decreaſe till they dwindle out into ſmall ſeams, " and then the covers change, and the coal goes out."——So in Cumberland he ſhews, how the vein of coal comes in at Sourby paſture about eight or nine inches thick, then advances to fourteen inches, then at Warnel Fell to half a yard, then in the manor of Weſtward to a yard, where alſo a ſmall ſeam of canel coal comes in; then in the manor of Bolton it is increaſed to ſeven quarters or two yards, and the canel ſeam to a yard, and the craw coal to three quarters. And here it is come to its full growth and perfection, and ſpreads over a great part of the level country to the Scotch ſea.

He then proceeds to the mountains which are the boundaries of Weſtmorland on the South and Weſt: and obſerves how the ſeam of coal diminiſhing from Stanemore (where the ſeam is about a yard and a quarter thick), comes in at *Hartley Fell*; ſo alſo we may add, at *Nateby*, *Mallerſtang*, *Ravenſtondale*, and other places. The weſtern fells, he obſerves, are of a quite different nature from the others above-mentioned, conſiſting of a blue crag and continued rock, without any horizontal flat beds. And the mineral productions of all of them are lead, copper, and iron; there is no proſpect of coal in any of them, for where there are no flat and pinguid ſtrata, there can be expected no coal. From theſe mountains fine blue ſlate is got, which ſupplies ſeveral parts of the kingdom.

The ſame author further obſerves: " Though we cannot hope to make any " diſcovery of veins either of gold or ſilver in theſe two counties, yet we have " rich veins of ſilvery lead, in which we frequently meet with ſtones richly " imboſſed with cluſters of diamonds, as bright and ſparkling as any we have " from Briſtol. We have alſo in our rich lead veins great variety of ſpar; " ſome

" ſome white, and as tranſparent as fine chryſtal. We have others green, " blue, red, and of a violet colour; which if they could be ſo ſoftened as to " be cut into figures, might be of uſe and value."

Dr. Woodward, in his Natural Hiſtory, ſays, " That near Ambleſide, and " in the ridge of mountains leading from thence to Penrith, there is marble " of a duſky green colour, veined with white; and in Knipe Scar, are ſeveral " talky fibrous bodies, which might be employed for the making wicks for " lamps, as they will burn very long without any ſenſible diminution; they are " opake, and of an aſh colour. Foſſils of various kinds are found in different " parts of this country; as at Threapland the *entrochi* and *trochitæ* of various " kinds, ſome of which are compreſſed and flatted, others raiſed and trun- " cated, ſome hollow in the middle, and filled with grey ſtony matter. Of " the ſame are thoſe found near Strickland-head on the banks of the rivulet " which runs down from Shap, and by the inhabitants called Fairy-ſtones. " Here alſo are found the *mycetites*. *Coralloid* bodies are found in great " quantities, and differently variegated, near the river Lowther: they will " bear a poliſh, and are about the hardneſs of Genoeſe marble. Some of the " ſame kind are found at Helsfell nigh Kendal, and appear beautifully varie- " gated, of a brown ſandy colour, but ſo interſperſed with different colours, " that they are little inferior to Syena marble."—Specimens of all theſe are to be found in the collection left by Dr. Woodward to the univerſity of Cambridge.

Of ſome of the more ſcarce and curious PLANTS growing in this county, we have inſerted a catalogue in our Appendix, No. 40.

The RIVERS in this county are but ſmall; for as the mountain tops are for the moſt part the boundary, the rivers all ſpring within the county; and only three, that can properly be called rivers, carry their name to the ſea; to wit, *Eden*, which ſprings in Mallerſtang, and having received in its courſe (beſides many leſſer ſtreams) the conjoined rivers of Lowther and Eamont, enters Cumberland, and running the whole length of that county, empties itſelf into the ſea at Rowcliff. The ſecond river is *Lune* or *Lon*, which hath its ſource in Ravenſtondale, and runs down the vale which from the name of the river is called Lonſdale, where it enters the county of *Loncaſter* (as it was anciently called), and a little below the town of Lancaſter falls into the ſea. The third is *Kent*, which riſes in Kentmere, and waſhes the vale which from thence receiveth the name of Kendale, and empties itſelf into the ſea below Levens.

In the hollows amongſt the mountains are formed divers large LAKES, having ſmall rivulets running through them, which preſerve the water clear, the lakes having commonly a pebbly or rocky bottom; as Windermere, Ulleſwater, Haws-water, Ridal-water, Elter-water, Greſmere-water, and other leſſer lakes which go by the name of Tarns, as Sunbiggin Tarn, Ravenſtondale Tarn, Whinfell Tarn, and others. Which lakes and tarns abound with divers ſpecies of fiſh, as trout, eel, baſs, perch, tench, roach, pike, char, and divers others.

The ſouthern part of this county is alſo pretty well furniſhed with SEA FISH, caught near the Kent and Levens ſands, and other places upon the ſea coaſt. Which heretofore were brought weekly to Kendal market, inſomuch that upon a market-day there have been ſometimes five and thirty different ſorts of fiſh. But ſince the great improvement of the town and port of Lancaſter, the market for fiſh is conſiderably drawn that way.

There is no very great plenty of WOOD in this county; it ſeems to have been induſtriouſly deſtroyed, to prevent its affording ſhelter to the Scotch invaders. It is very certain, that long after the conqueſt, this county was over-run with wood; we read of nothing but foreſts, and chaſes, and parks, and maſtage, and pannage, and vert, and veniſon, and greenhue, and regarders, and foreſters, and verderers, and an hundred other names and titles reſpecting the keeping or preſervation of the woods and game therein. In almoſt all the moſſes, there are large trees of oak, fir, birch, and other wood, covered now four, five, or ſix feet in depth, with that kind of earth that the people dig up for fuel, many of which have the marks of the ſtroke of the ax upon them, and are lying near to their root, which is at the bottom of the moſs; and the tops and leaves, by their ſtoppage of the water draining into the vacuities, ſeem to have contributed towards increaſing the growth of the peatmoſs, which in ſome places, it is very obſervable, acquires a new covering every year. The water, weeds, moſs, ſtraws, graſs, ling, and other matter, which collect in the winter and ſtagnate, are dried up in ſummer, and effect a new cruſt upon the former maſs.

Upon many of the commons are ridges and furrows, which evidently bear the ſignature of the plough. The tradition amongſt the country people is, that this was done in the reign of king John, when the kingdom was under an interdict from the Pope, and the inhabitants thereby prohibited from tilling their improved ground. But beſides that an interdict doth not imply any ſuch prohibition, being only an hinderance of the celebration of divine offices, it ſeemeth that the true reaſon of theſe ploughings which now appear upon the common hath been, that theſe places happened to be firſt cleared from wood, and afterwards were deſerted for more favourable ſituations, as the wood became gradually cleared away.

In theſe mountains, towards the north-eaſt part of the county, is a very remarkable phenomenon, ſuch as we have not found any account of elſewhere in the kingdom, except only about Ingleton and other places bordering upon the mountains of Ingleborrow, Pendle, and Penigent, in the confines of the counties of York and Lancaſter. It is called a HELM-WIND. A rolling cloud, ſometimes for three or four days together, hovers over the mountain tops, the ſky being clear in other parts. When this cloud appears, the country people ſay the *helm* is up; which is an Anglo-Saxon word, ſignifying properly a covering for the head, from whence comes the diminutive *helmet*. This helm is not diſperſed or blown away by the wind, but continues in its ſtation, although a violent

a violent roaring hurricane comes tumbling down the mountain, ready to tear up all before it. Then on a ſudden enſues a profound calm. And then again alternately the tempeſt: which ſeldom extends into the country above a mile or two from the bottom of the mountain.

In the modern part of the Univerſal Hiſtory, vol. xv. p. 519. we find an account of exactly the like appearance on ſome of the hills near the Cape of Good Hope, thus deſcribed by thoſe elegant authors: "In the dry ſeaſon, a "white cloud hovers over the top of the mountains; from which cloud iſſue "the ſouth-weſt winds with incredible fury, ſhattering houſes, endangering "ſhipping, and greatly damaging the fruits of the earth. Upon diſcovery of "which cloud, the ſailors immediately prepare for a ſtorm."

This county, together with the counties of Cumberland, Northumberland, Durham, York, and Lancaſter, was anciently the country of the BRIGANTES, who were ſubdued by the Romans; and there are remaining many ancient monuments of the Romans in this county to this day.

The great ROMAN CAUSEWAY went quite through this county, entering upon Stanemore, and going out at Brougham caſtle. Until the turnpike road was made, which deſtroyed a conſiderable part thereof, it was very conſpicuous almoſt the whole length of its courſe. It was carried in a direct ſtraight line, over hills and dales, through moſſes and tarns, as if nothing ſhould be able to interrupt their progreſs. It was about ſix yards in breadth, and on the level ground appears to have been made of three courſes of large ſquare ſtones, the loweſt courſe being the largeſt, and the other two diminiſhing gradually, the whole three courſes being of the depth of a yard or ſomewhat more; and conſequently it was able to ſuſtain an immenſely greater weight of carriages than any that are now in uſe. And the earth which was caſt forth to make room for the pavement was laid on the outſide, to form the whole into a proper rotundity.—But this was not in all places the form and manner in which they made their roads. In ſome places ſtone was not to be had but at a very great diſtance, in which caſe they made uſe of gravel, flint, or other materials which the country furniſhed. And where they had not ſolid ſtone, they made the road ſo much the higher and broader. From the general elevated form of the Roman roads, Mr. Horſley conjectures that the denomination of *high-way* given to all publick roads derives its original.

There was alſo a Roman way, called MAIDEN WAY, branching out from the other at Kirkby Thore, and ſtretching northwards over the low end of Croſs-Fell, to where it joined with the Picts' wall in Northumberland. From whence it received this name we know not. At its firſt entrance upon Stanemore, it paſſeth by a place called *Maiden caſtle*, which was a ſmall ſquare fort of Roman ſtructure, as appeared by the mortar found therein. (*Machel.*)

In modern military language, a *Maiden* fort ſignifies one that has never been taken, by reaſon of its extraordinary ſtrength. But that could never be applicable to this ſmall fortification upon Stanemore. It rather ſeems to be derived of the Anglo-Saxon *Mai* (*maigan*, *magan*, *magnum*) great, and *Dun* a hill.

hill. In Northumberland, this ſame military road bears the ſame name of the *Maiden way*. Under the caſtle of Wark in the ſaid county, there is a walk called the *Maiden walk*. And at Cattle Well near Wooler in the ſame county, is an intrenchment called by this ſame name of the *Maiden caſtle*. Wallis's Northumberland, ii. 21. 466. 486. So, nigh Dorcheſter there is a camp of a ſquare form, called *Maiden caſtle*, which takes in the whole ſummit of a great hill, having a double ditch and rampart, and in ſome places treble. *Horſl.* 461.

There are no fewer than eight good TURNPIKE roads in this county, ſeven of which terminate at, or paſs through, the town of Kendal. One of theſe roads goes through the bottom of Weſtmorland, and follows (but with ſome variations) the direction of the Roman way, from the top of Stanemore where it comes in from Yorkſhire, through Brough, by Appleby, to Eamont bridge, where it enters Cumberland.

Another, from Kendal, through Kirkby Lonſdale to Keighly in Yorkſhire.

The third, from Kendal to Sedbergh in the county of York, and from thence branching out to Kirkby Stephen on one ſide, and to Aſkrigg in the county of York on the other ſide.

The fourth, from Kendal, branching out nigh Tebay, through Ravenſtonale and Kirkby Stephen to Brough on one ſide; and through Orton to Appleby on the other ſide.

The fifth, from Heron Sike, where the road comes in from Lancaſhire, through Burton, Kendal, and Shap, to Eamont bridge.

The ſixth, from Kendal, by Ambleſide and Dunmal Raiſe, to Keſwick in Cumberland, with a branch from Plumbgarths Croſs nigh Kendal to Windermere Water.

The ſeventh, from Kendal, by Ulverſton, to Kirkby Irelith in Lancaſhire.

And the eighth, from Kendal to Milthorp, and from thence communicating with the turnpike road coming from Heron Sike.

The INHABITANTS of this county are generally a ſober, ſocial, humane, civilized people; owing in ſome meaſure to the inſtitution of ſmall *ſchools* in almoſt every village. And in the larger towns, as Appleby, Heverſham, Kendal, Bampton, Kirkby Lonſdale, and Kirkby Stephen, there are free ſchools handſomely endowed. Inſomuch that it is a rare thing in this county, to find any perſon who cannot both read and write tolerably well.

Barren as the ſoil is in many places, the county is very POPULOUS, perhaps more populous in proportion to the value of the lands than any other county in the kingdom. Every man lives upon his own ſmall tenement, and the practice of accumulating farms hath not yet here made any conſiderable progreſs. Here are large remains of the ancient feudal policy, which was kept up in theſe parts after it had ceaſed elſewhere, by reaſon of the particular military ſervice againſt the Scots. The lands at firſt were granted out in large diſtricts by William the conqueror and his ſucceſſors to certain great Norman barons. Theſe parcelled them out to inferior lords; who again granted the

ſame to individuals, each man having a portion of land aſſigned to him for the ſuſtentation of the military character. And they ſeem to have extended this regulation as far as it would go. The ſoldier's eſtate, from the number of ancient tenements in the ſeveral manors, appears to have been ſmall, as what perhaps would now let for about ten or twelve pounds a year. And beſides the general military ſervices in the King's wars at home and abroad, theſe tenants in the borders were liable (as hath been obſerved before) to be called out in the particular ſervice againſt the Scots, at the command of the lords wardens of the marches.

All the ancient manor houſes and other BUILDINGS in this county appear to have been formed, not ſo much for ornament, or even utility in other reſpects, as for defence againſt the Scotch incurſions. The larger houſes had areas or yards ſtrongly walled about, with turrets and battlements; within which incloſures they ſhut up their cattle in the night-time, or otherwiſe occaſionally as they had notice given to them by the firing of beacons or other intelligence.

The leſſer houſes were ſecured with ſtrong doors and gates, having the windows very ſmall, and croſſed with ſtrong bars of iron. And many of the country houſes, for the greater ſafety, had the cow-houſe and ſtable underneath the dwelling-houſe.

Even the very diverſions of the children had a reference to this border enmity. The boys to this day have a play which they call *Scotch and Engliſh*; which is an exact picture in miniature of the RAID, that is, of the *inroad* by plundering parties. The boys divide themſelves into two companies, under two captains, who chuſe their men alternately. Then they ſtrip off their coats, the one party calling themſelves Scots, the other Engliſh. They lay their cloaths reſpectively all on an heap, and ſet a ſtone as it were a bounder mark between the two kingdoms, exactly in the middle between their heaps of cloaths. Then they begin to make incurſions into each other's territories; the Engliſh beginning with this reviling expreſſion, "Here's a leap in thy land, dry-bellied "Scot." And ſo they plunder and ſteal away one from another all that they can lay their hands on. But if they can take hold of any invader within their own juriſdiction, either before or after he catcheth his booty, which they call a *wed*, (the ſame being a Saxon word, *waed*, *wede*, *weed*, not yet quite out of uſe, ſignifying *cloathing*) unleſs he eſcape clear into his own province, they take him priſoner, and carry him to the *wed* or heap of cloaths, from whence he is not to remove till ſome of his own party break in, and by ſwiftneſs of foot lay hold of the priſoner, before he himſelf be touched by any of the adverſe party; which if the adverſary do, he hath reſcued his man, and may carry him off without moleſtation. And thus ſometimes one party will ſo far prevail over the other, what with plundering, and what with taking priſoners, that the other ſhall have nothing at all left. It is a very active and violent recreation.

The

The BREAD uſed by all perſons of condition in this county is made of *wheat*, but the common people eat *oaten* bread (as they do alſo in Scotland, hence the abovementioned ſarcaſtical expreſſion of *dry-bellied Scot*); for the ſupply whereof in this county, there is not a ſufficient quantity of oats grown within the county, but they receive many loads thereof every week out of Cumberland, and ſome out of the counties of Lancaſter, York, and Durham: The land in Weſtmorland yielding better for grazing. And therefore they breed a large number of *cattle* yearly, and ſell them out at three or four years of age.

And they make a conſiderable advantage by the ſale of *butter*, eſpecially ſince the turnpike road was made over Stanemore, whereby a communication by land-carriage is opened to the ſea-port towns, from whence they ſupply the London markets. Weſtmorland *hams* alſo, which are cured in the ſmoke of peat fewel, are much preferable to thoſe cured elſewhere in the coal fire chimnies.

In the article of CLOATHING, they have departed of late years from their ancient ſimplicity. Their forefathers were wont to cloath themſelves with their own wool manufactured at home, which wool is now bought up for the uſe of the manufacturers at Kendal and in the Weſt Riding of Yorkſhire. Clogs, inſtead of ſhoes, the labouring people ſtill wear; the upper part whereof is made of ſtrong curried leather, and the ſole of wood ſhod and bound about with iron.

The LANGUAGE of the country people hath large remains of the ancient Saxon. Which ſhews, that although William the conqueror granted the lands to ſome of the principal leaders amongſt his Normans, and they to other meſne lords their countrymen; yet they did not diſpoſſeſs the ancient inhabitants entirely, but granted to them lands to hold under the reſpective meſne lords, or otherwiſe kept them in a ſtate of villenage.

THIS county is divided into two great baronies; the BARONY OF KENDAL, and the BARONY OF WESTMORLAND: this latter is ſometimes called the barony of *Appleby*, but moſt commonly in ancient times the barony of *Weſtmorland*. Indeed the barony of Kendal ſeemeth not formerly to have been deemed a part of Weſtmorland, but rather of Lancaſhire. In the Domeſday-ſurvey, an account is taken of many places within this barony of Kendal, together with the adjoining places in Lancaſhire and Yorkſhire *; whereas of Weſtmorland properly

* Thus, in Ouſtewic and Heldetune there are 12 manors recited which had belonged to Torfin, viz. Clapeham, Middletun, Manzerge, Cherceby, Lupetun, Preſtun, Holme, Bortune, Hotune, Wartun, Claƈtun, Catun: And two thirds of theſe clearly are in Weſtmorland, viz. Middleton, Manſergh, Kirkby (Lonſdale), Lupton, Preſton, Holme, Burton, and Hutton (probably that part now called Hutton Roof). Hæc habuit Torfin pro 12 maneriis.

Amongſt the poſſeſſions of Toſti earl of Northumberland, where mention is made of Leck, Ingleton, Sedberg, and other adjoining places, we find theſe following; Caſtertune, Berebrune, and Tiernebi; that is, Caſterton, Barbon, and Thirneby (now corruptly called Thrimby). Omnes hæ villæ pertinent ad Witetune: Toſti comes habuit.

properly ſo called no ſurvey was made, being all waſted and deſtroyed, and worth nothing. And the barons of Kendal, we find, conteſted the right of juriſdiction of the ſheriff of Weſtmorland within their boundaries. And ſo late as the reign of king Henry the eighth, this barony of Kendal comprehended a conſiderable part of Lancaſhire. Warton is often mentioned as being within this barony; and there is a record in the Dutchy office, which determines many other places to be within this barony †.

And it exended a good way into that part which is now called the Bottom of Weſtmorland; particularly into almoſt all the weſtern part, comprehending tke greateſt part of the pariſhes of Barton, Lowther, and Morland. And the barons of Kendal were patrons alſo of the church of Kirkby Stephen, and gave it and alſo the church of Morland to the abbey of St. Mary's York. But now the boundary of the barony of Kendal, as diſtinguiſhed from the Bottom of Weſtmorland, is the ſame nearly as the boundary of the ſeveral pariſhes of Greſmere and Kendal on one ſide, and Barton, Shap, and Orton, on the other.

The HUNDREDS in this county are diſtinguiſhed by the name of WARDS, and are four in number; being the diſtricts of the like number of High Conſtables, who preſided over the *wards* to be ſuſtained at certain fords and other

In Stercaland: Cherchebi, Helſingtun, Staintun, Hotun, Patun; viz. Kirkby (in Kendal), Helſington, Stainton, Hutton, and Patton. Hæc habuit Gilemichel.

Amongſt the lands of Roger of Poictou: Beidun, Fareltun, Preſtun, Hennecaſtre, Eureſhaim, Lefuenes; viz. Betham, Farleton, Preſton, Hincaſter, Heverſham, and Levins.

† In the firſt year of king Henry the eighth, it was found, by inquiſition in the county of Lancaſter, that Margaret late counteſs of Richmond and Derby, the ſaid king's grandame, was ſeiſed in her demeſne as of fee for the term of her life of the third part of the lordſhip or town of Whittington, and the lordſhip or town of Warton, and of 20 *l* fee farm going out of the manors of Aſhton and Berneforth, and of the moiety of the lordſhip or manor of Nether Wyreſdale, and of the third part of the old lordſhip of Scotford in the ſaid county; the reverſion to Henry the eighth in right of his dutchy of Lancaſter, and as parcel of our county palatine of Lancaſter. Since which, by another office taken by virtue of a commiſſion, it is found, that our noble progenitor king Henry the ſixth was ſeiſed of the lordſhips, towns, and hamlets of Nether Wyreſdale, Whytington, Scotford, Warton, Moreholm, Aſheton, and Kerneford in the ſaid county of Lancaſter, in his demeſne as of fee, as members and parcel of the manor, lordſhip, or barony of Kendal in the county of Weſtmorland. The which lordſhips, towns, and hamlets, ſpecified in the ſaid later office, we underſtand to be the ſame manors, lands, tenements, rent, fee farms, and other the premiſes named and ſpecified by the ſaid other names in the ſaid firſt office, and be all one, and not diverſe. And further it was found by the ſaid later office, that king Henry the ſixth gave all the premiſes to Edmund then earl of Richmond and to the heirs of his body lawfully begotten, by the name of his manor and lordſhip of Kendale, and manor and lordſhip of Wyreſdale, with the appurtenances, in the counties of Weſtmorland and Lancaſter, and of other lands and tenements, and of other things, as more plainly appeareth by the ſaid ſecond office; and ſo deſcended to our father, ſon and heir in tail to the ſaid Edmund late earl of Richmund; and that Henry the ſeventh gave all the ſaid premiſſes to our ſaid grandame for term of her life, by the name of the third part of the lordſhip and manor of Kendale, and of the lordſhip and manor of Wyreſdale, with the appurtenances, in the counties of Lancaſter and Weſtmorland. Whereupon we perceive they were not Dutchy land, but members of our barony of Kendale in the county of Weſtmorland. Whereupon the king now commands to make fruſtrate the ſaid firſt office found by the eſcheator of Lancaſhire. Dated at Weſtminſter the firſt day of December in the 4th year of the reign of king Henry the 8th. *From the Dutchy Rolls at the Savoy.* (Machel from Dugdale.)

places,

places, for repelling plundering parties out of Scotland. Two of theſe *wards* are in the barony of Kendal, to wit, Kendal and Lonſdale Wards; and two in the Bottom, called Eaſt and Weſt Wards: There was anciently a Middle Ward between theſe two laſt; but ſince watching and warding ceaſed, that hath fallen into and been abſorbed by the other two.

The barony of Kendal is in the DIOCESE of *Cheſter*; and therein are two rural deanries, the deanry of Kendal, and the deanry of Kirkby Lonſdale, both of which extend alſo into the adjoining parts of Lancaſhire. The Bottom of Weſtmorland is in the dioceſe of Carliſle, and is all one rural deanry, called the deanry of Weſtmorland. This office of rural dean had anciently a large juriſdiction annexed to it, but by degrees hath fallen into diſuſe. But ſo late as the year 1571, we find Robert Pearſon dean of Weſtmorland receiver of the ſubſidy granted to the crown by the clergy, and alſo of the procurations and ſynodals paid to the biſhop.

It is a vulgar miſtake, that this county paid no *ſubſidies* during the exiſtence of the border ſervice, as ſuppoſing it to be exempted from ſuch payment merely upon that account. For we find all along ſuch and ſuch perſons collectors of the ſubſidies in this county, granted both by clergy and laity. The LAND TAX ſucceeded into the place of ſubſidies; being not ſo properly a new tax, as an old tax by a new name. From the reign of Edward the third downward, certain ſums and proportions were fixed upon the ſeveral townſhips within the reſpective counties, according whereunto the taxation hath conſtantly been made *. In proceſs of time this valuation may be ſuppoſed to have become unequal, eſpecially ſince by the increaſe of trade and manufacture in ſome large towns much wealth is accumulated within a ſmall compaſs, the tax upon ſuch diviſion continuing ſtill the ſame. And hence a new valuation hath often been ſuggeſted to render this tax more adequate, which nevertheleſs from the nature of the thing muſt always be fluctuating according to the increaſe or diminution of property in different parts of the kingdom. But in reality this notion proceeds upon a very narrow and partial principle. An *equal tax*, according to what a man is worth, is one thing; and an *equal land tax*, all the other taxes being unequal, is quite another. Setting aſide

* In Cumberland, the manner of laying public taxes and aſſeſſments is ſomewhat peculiar, by a rate called the *Purvey*; which originally was a compoſition in money for the king's *purveyance*, or providing for his houſhold, when he went on a progreſs into different parts of the kingdom. In ſome places it was paid in cattle, or other proviſions in kind: Hence in Lancaſhire they have a manner of laying aſſeſſments ſtill called *ox-lay*. Againſt king James's return out of Scotland through the county of Cumberland in September 1617, the juſtices of the peace were ordered to compound for the king's purveyance at the rate of 108 *l*, or thereabouts; which ſum being laid through the whole county, became afterwards a rule for laying moſt of the other aſſeſſments, calling it one purvey when 108 *l* was raiſed, two purveys when 216 *l* was raiſed, and ſo on. In the year 1665, for the more eaſe and convenience, the purvey was fixed at the preciſe ſum of 100 *l*; ſo that where the ſum of 100 *l* is wanted, it is called one purvey; where 200 *l* two purveys; and ſo on; and the ſame was proportioned amongſt the ſeveral wards, as it ſtill continues. Thirty-ſeven purveys and an half nearly make up one land tax, when the land tax is at 4 *s* in the pound. *Flem.*

the

the populous manufacturing towns, let us take the county of Weſtmorland in general (in which there is no ſuch manufacturing town, Kendal only excepted); and we ſhall find that this county, upon the whole, taking all the taxes together, pays more to the government, in proportion to the wealth of the inhabitants, than perhaps any other county in the kingdom. And that is by reaſon of its comparative populouſneſs. Suppoſe a townſhip (which is a common caſe in Weſtmorland) worth about 400 *l* a year. In this townſhip there are about 40 meſſuages and tenements, and a family in each meſſuage. And at the proportion of five perſons to a family, there are 200 inhabitants. Theſe, by their labour and what they conſume, are worth to the public double and treble the value of the land tax in its higheſt eſtimation. Theſe 40 meſſuages or dwelling-houſes, at 3 *s* each, pay yearly 6 *l* houſe duty; and ſo many of them perhaps have above ſeven windows, as will make up 6 *l* more. Now let us advance further South. An eſtate of 400 *l* a year is there frequently in one hand. There is one family of perhaps 15 or 20 perſons; one houſe duty of 3 *s*, ſome few ſhillings more for windows; and a tenth part of the conſumption of things taxable, as ſalt, ſoap, leather, candles, and abundance of other articles. Now where is the equality? One man for 10 *l* or 5 *l* a year, pays as much houſe duty, as another perſon for 400 *l* a year. In Weſtmorland many perſons (and the clergy almoſt in general) dwell in houſes that pay more houſe and window duty than the houſe itſelf would let for. And in other reſpects, the public is as much benefited by three or four families occupying ten or twenty pounds a year each, as in the other caſe by one family occupying ten times as much.

It hath been computed by political calculators, that every perſon, one with another, is worth to the public 4 *l* a year. On that ſuppoſition, the inhabitants in one caſe are eſtimated at 800 *l*, in the other caſe at 80 *l*. So if we reduce the ſum to half, or a quarter, or any other ſum; it will always come out the ſame, that the one and the other are of value to the public, juſt in the proportion of ten to one.

In ſhort: Populouſneſs is the riches of a nation; not only from the conſumption of things taxable, but for the ſupply of hands to arts, manufacture, war, and commerce. A man that purchaſeth an eſtate, and lays it to his own, making one farm of what was two before, deprives the public of a proportionable ſhare of every tax that depends upon the number of houſes and inhabitants. A man that gets a whole village or two into his poſſeſſion by this means, conſiſting of an hundred ancient feudal tenements, evades ninety-nine parts in an hundred of ſuch taxes, and throws the burden upon others, who by reaſon of the ſmallneſs of their property are proportionably leſs able to bear it; for a man of an hundred pounds a year can better ſpare twenty pounds, than a man of ten pounds a year can ſpare forty ſhillings; for the one has eighty pounds left, and the other only eight.

The general military tenure of the lands in this county was by *homage*, *fealty*, and *cornage*; which *cornage* drew after it *wardſhip*, *marriage*, and *relief*. And the ſervice of this tenure was *knight's ſervice*.

Homage

HOMAGE (according to Littleton) was the moſt honourable ſervice, and moſt humble ſervice of reverence, that a free tenant can do to his lord. For when the tenant was to do homage to his lord, he was to appear ungirt of his ſword, with his head uncovered, and the lord was to ſit, and the tenant kneel before him on both his knees, and hold his hands extended and joined together, between the hands of his lord, and was to ſay thus: "I become your "man, from this day forward, of life and limb and earthly honour, and unto "you will be true and faithful, and faith unto you will bear for the tenements "that I claim to hold of you; ſaving the faith that I owe to our ſovereign "lord the king." And then the lord ſo ſitting was to kiſs him. (*Littleton's Tenures, ſect.* 85.)—It had its name from *homo*; I become your *man*,—Jeo deveigne voſtre *home*.

FEALTY is the ſame as *fidelitas* in latin. And when a free tenant was to do fealty to his lord, he was to hold his right hand upon a book, and ſay thus: "Know ye this, my lord, that I will be faithful and true unto you, and faith "to you will bear for the tenements which I claim to hold of you, and that "I will lawfully do to you the cuſtoms and ſervices which I ought to do at "the terms aſſigned: So help me God and his Saints." But he was not to kneel nor make ſuch humble reverence as in homage; and fealty might be done before the ſteward of the court, but homage could only be done to the lord himſelf. (*Litt. ſect.* 91, 92.)

CORNAGE we will ſpeak of by and by, when we have explained the three incidents thereof, *wardſhip*, *marriage*, and *relief*.—WARDSHIP and MARRIAGE was thus: When the tenant died, and his heir male was within the age of 21 years, the lord was to have the land holden of him until the heir ſhould attain that age; becauſe the heir by intendment of law was not able to do knights ſervice before his age of 21 years. And if ſuch heir was not married at the time of the death of his anceſtor, then the lord was to have the wardſhip and marriage of him. But if the tenant died leaving an heir female, which heir female was of the age of 14 years or upwards, then the lord was not to have the wardſhip of the land, nor of the body; becauſe a woman of that age might have a huſband able to do knights ſervice. But if ſuch heir female was under the age of 14 years and unmarried at the time of the death of her anceſtor, the lord was to have the wardſhip of the land holden of him until the age of ſuch heir female of 14 years; within which time the lord might tender unto her covenable marriage without diſparagement: And if the lord did not tender ſuch marriage within the ſaid age, ſhe might have entred into the land, and ouſted the lord. (*Litt. ſect.* 103.)

RELIEF was a certain ſum of money that the heir, on coming of age, paid unto the lord, on taking poſſeſſion of the inheritance of his anceſtor; by payment whereof, the heir *relieved*, (*relevabat*) that is, as it were raiſed up again the lands, after they had fallen into the hands of the ſuperior. And on payment of the relief, the heir had LIVERY of the lands, that is, the lands

were to be *delivered* to the heir; and in caſe of refuſal, the heir might have a writ to recover the ſame from the lord, which recovery *out of the hands of the lord*, was called *ouſter le main*.

And for the fuller execution of theſe purpoſes, in caſe of the king's tenants *in capite*, an officer was appointed, called the Eſcheator, to whom a writ iſſued on the death of ſuch tenant, to take the lands into the king's hands, and to inquire by a jury, how much land ſuch tenant held of the king *in capite*, what was the yearly value thereof, who was his heir, and of what age: Which writ was called a writ of *Diem clauſit extremum* (from theſe words contained in the writ); and the finding of the jury was called an *Inquiſition poſt mortem* *. For the more certain and regular proceedings in which matter, a *court of Wards and Liveries* was erected by act of parliament in the reign of king Henry the eighth.

All theſe circumſtances of *homage*, *fealty*, *wardſhip*, *marriage*, and *relief*, were common to the military ſervice in general. CORNAGE ſeems to have been peculiar to the Border ſervice againſt the Scots. Sir Matthew Hale in his comment (hereafter ſet forth) upon king John's charter to Robert de Veteripont of Appleby and Burgh, and the ſheriffwick and rent of the county of Weſtmorland, juſt takes notice of it, and ſays, it is a tenure not known to the ſouthern parts of England. And judge Littleton, in his book of tenures, in the chapter concerning Grand Serjeanty, ſpeaks of this ſervice only upon hearſay. "It "is ſaid," he obſerves, "that in the marches of Scotland, ſome hold of the "king by *cornage*, that is to ſay, to wind a horn to give the men of the coun- "try warning, when they hear that the Scots or other enemies are come or "will enter into England; which ſervice is grand ſerjeanty. But if a tenant "hold of any other lord than of the king by ſuch ſervice of *cornage*, this is "not grand ſerjeanty, but is knights ſervice; for none may hold by grand "ſerjeanty but of the king only. And it draweth to it ward and marriage."

Sir Edward Coke, in his comment on the ſecond chapter of Magna Charta, which aſcertains what *relief* ſhall be paid by the military tenants of the crown, ſaith, (2 Inſt. 9.) that tenure by *cornage* is not within this ſtatute of Magna Charta, becauſe Littleton ſaith, that it draweth unto it *wardſhip* and *marriage*,

* Edwardus Dei gratia, rex Angliæ, dominus Hiberniæ, et dux Aquitaniæ, dilecto clerico ſuo Willielmo de Boyvill eſcaetori ſuo ultra Trentam, ſalutem. Quia Robertus de Ros de Werke, qui de nobis tenuit in capite, *diem clauſit extremum*, ut accepimus, vobis mandamus, quod omnes terras et tenementa, de quibus præfatus Robertus fuit ſeiſitus in dominico ſuo ut de feodo in balliva veſtra, die quo obiit, videlicet, tam de hæreditate Margaretæ uxoris ejus, quam de hæreditate propria, ſine dilatione capiatis in manum noſtram, et ea ſalvo cuſtodiatis donec aliud inde præceperimus; et per ſacramentum proborum et legalium hominum de balliva veſtra, per quos rei veritas melius ſciri poterit, diligenter inquiratis, quantum terræ præfatus Robertus tenuit de nobis in capite, tam de hæreditate prædictæ Margaretæ uxoris ſuæ, quam de hæreditate propria, et quantum de aliis, et per quod ſervicium, et quantum terræ illæ valeant per annum in omnibus exitibus, et quis propinquior hæres ejus ſit et cujus ætatis; et inquiſitionem diſtincte et aperte factam nobis ſub ſigillo veſtro et ſigillis eorum per quos facta fuerit ſine dilatione mittatis et hoc breve. Datum per manum W. de Merton cancellarii noſtri apud Weſtminſter xx° die Aprilis anno regni noſtri ſecundo.

and ſpeaketh nothing of *relief*. But it is very evident from many of the inquiſitions *poſt mortem* of the Cliffords and others, that this ſervice of *cornage* did draw unto it *wardſhip*, *marriage*, and *relief*. And it is obſervable, that Littleton, though he expreſſeth only *wardſhip* and *marriage*, yet he doth not exclude *relief*, and ſpeaketh of the whole matter, not as of his own knowledge, but by the report of others. And the ſame learned commentator recites a very notable record in the eighteenth year of the reign of king Edward the firſt, between John de Graiſtoke plaintiff, and Idonea de Leyburn defendant, concerning a *relief* to be paid to her by the ſaid John, for the manors of Duſton, Brampton, Yanewich, and Bolton (for thoſe were the manors he poſſeſſed, tho' from the copy it ſeems that the names were not very legible in the record) which he as meſne lord held of the ſaid Idonea. In which diſpute it was admitted by both parties that a *relief* was due, and they differed only about the quantum. Idonea had diſtrained his goods for a *relief* to be paid for his lands at the aforeſaid places, which he held of her by *homage* and *cornage*, and which were worth by the year 100 *l.* And ſhe ſaid, that the cuſtom in Weſtmorland is ſuch, that the heirs after the death of their anceſtors ought to *relieve* their lands from the lords of whom they are holden, by paying for *relief* as much as the lands are worth by the year, unleſs they can agree with their lords for leſs. Whereupon ſhe avows the taking of the diſtreſs for a relief according to the ſaid cuſtom. John de Graiſtoke denies that there is ſuch cuſtom, but admits that he holds his tenements aforeſaid by the *cornage* of 25 *s* 6 *d*; and ſaith, that his anceſtors in time paſt doubled the ſaid *cornage*, by paying to the anceſtors of the ſaid Idonea 51 *s*. She replies, that foraſmuch as the ſaid John admits that he holds the tenements aforeſaid by *cornage*, ſuch *relief* is incident thereunto by virtue of the ſaid cuſtom; and ſaith, that the ſaid John and his anceſtors for time immemorial have required the like relief againſt his tenants in the ſame county. And concerning the cuſtom, they both put themſelves upon the country. Moreover the ſaid Idonea ſaith, that there is a twofold tenure in the county of Weſtmorland, to wit, one by *White rent* [which was a rent paid in ſilver, vulgarly, but improperly, called a quit-rent] and another by *cornage:* And that the tenants by *White rent*, after the death of their anceſtors, ought to double their rent only; and the tenants by *cornage*, after the death of their anceſtors, ought to pay the value of their lands for one year. And John ſaith on the contrary, that the cuſtom of the country is, that the heirs ſhall not pay but by doubling the cornage *.

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* Inter Johannem Graiſtoke querentem, verſus Idoneam de Leybourne, quæ diſtrinxit ipſum per averia pro relevio dando pro terris in *Dunſton*, *Brampton yane which*, *Eſeclyve* † et *Boulton*, quæ valent *C. li. per annum*, qui tenet de ea per homagium et cornagium. Et ipſa dicit, quod talis eſt conſuetudo patriæ de Weſtm' quod hæredes poſt mortem anteceſſorum ſuorum debent relevare terras ſuas dominis de quibus, &c. ſcilicet, ſolvendo pro relevio quantum terræ valent per annum, quæ de ipſis dominis tenentur, niſi de minori ipſis dominis poſſunt ſatisfacere: Unde ipſa advocat captionem pro relevio ſecundum prædictam conſuetudinem, &c. Johannes negat talem eſſe conſuetudinem, ſed concedit, quod tenet tenementa prædicta per cornagium xxv *s* vi *d*; et dicit, quod anteceſſores ſui prius duplicarunt anteceſſoribus ipſius Idoneæ, ſolvendo li *s*. Ipſa dicit, quod cum Johannes cogn', quod

† This ſeems to be what is now called *Keiſley*, being part of the manor of Duſton.

The *perſonal* ſervice of *cornage*, if ever it was in actual exerciſe, ceaſed very early, and was converted into a pecuniary payment; which was accounted for to the crown, and paid yearly into the exchequer. And perhaps from the firſt it might be a ſtipulated payment, for the finding of ſcouts and horners, and procuring intelligence. And by reaſon of the ſcarcity of ſilver (for gold coins were not in uſe till long after) it ſeemeth that this *cornage* rent was at firſt paid in cattle, which kind of payment was called *noutegeld*, and under that name was accounted for in the exchequer, in the reign of king Henry the ſecond. (Denton, from the Red Book in the exchequer.) And to this day, in the Bottom of Weſtmorland, the *cornage* rent is paid under the name of *neatgeld*. This rent, together with the ſheriffwick, was granted by king John as aforeſaid to Robert de Veteripont, by the name of the rent of the county of Weſtmorland; and the poſterity of the ſaid Robert ſtill enjoy the ſame. But the *noutegeld* within the barony of Kendal was not included within that grant; the ſame having been quitted before and extinguiſhed by grant from king Richard the firſt to Gilbert ſon of Roger Fitzreinfred.

Theſe *cornage* tenants were bound, in their moſt defenſible array for the wars, to be ready to ſerve their prince and the lord of the manor, upon horſeback or on foot, at their own proper coſts and charges; and when the king's army paſſed into Scotland, they had the poſt of honour to march in the vanguard; and on their return, in the rereguard ‡. And for good reaſon: becauſe they beſt knew the paſſes and defiles, and the way and manner of the enemy's attacking and retreating.

The *White rent*, or payment in money, above mentioned, was what is now called the LORD'S RENT. And hereupon we may obſerve, that in thoſe days, on the death of the tenant, the lord required only that rent to be doubled; and in the caſe of *cornage*, it was demanded to have one year's value of the lands, which on the other ſide was conteſted, inſiſting only to pay double of the cornage. Whereas in ſucceeding ages, the lords have advanced to eight or ten and in ſome places to twenty times the ancient rent, and in other places to two years improved value of the lands. The crown tenants in the barony of Kendal continue neareſt to the ancient eſtabliſhment, paying only double

ipſe tenet prædicta ten' de ipſa per cornagium, ad hoc hujuſmodi relevium mere eſt acceſſor', ratione conſuet' prædictæ: Et dicit, quod idem Johannes exigit tale relevium verſus tenentes ſuos in eadem patria, a tempore quo non, &c. Et de conſuet' uterque ponit ſe ſuper patriam. Ideo ven' jur' in Cra. S. Johannis Baptiſtæ, &c. Inſuper Idonea dicit, quod duplex eſt tenura in Com. Weſtmerl. ſcilicet, una per Albam firmam, et alia per cornagium: Et quod tenentes per Albam firmam, poſt mortem anteceſſorum ſuorum, debent duplicare firmam ſuam tantum; et tenentes per cornagium, poſt mortem anteceſſorum ſuorum, tenentur reddere valorem terrarum ſuarum unius anni. Et Johannes e contra dicit, quod conſuetudo patriæ eſt, quod hæredes non ſolvant niſi duplicando cornagium, &c.

‡ Omnes ſupradicti (ſc. tenentes per cornagium) ibunt ad præceptum regis in exercitu Scotiæ, in eundo in antegardia, et redeundo in retrogardia. *(Denton, e libro rubro vetuſto in Scaccario.)*

Omnes tenentes per cornagium ibunt ad præceptum regis in exercitu Scotiæ, in eundo in anteguard, et redeundo in retroguard: Quod quidem ſervicium adjudicatur Magna Serjeantia. *(Dugd. apud Machel: E libro Feodorum in Com. Cumbr. ſub titulo de Teſta de Nevill.)*

and in ſome places treble of the lord's rent, for a FINE on the death of the tenant; whereas the other tenants in divers parts of the ſaid barony have been required to pay two years value of the lands: notwithſtanding that until after the death of William de Lancaſtre the third in the reign of king Henry the third, the tenure throughout the ſaid barony was intirely the ſame, under one and the ſame lord.

Beſides the aforeſaid military ſervices, we find another ſervice often mentioned, called SCUTAGE, or *eſcuage*; from the latin word *ſcutum*, a ſhield: which was a compenſation in money, inſtead of perſonal ſervice againſt the Scots. This ſervice by eſcuage was indeed no part of the border ſervice, for in the border ſervice perſonal and immediate attendance was abſolutely neceſſary to repel ſudden and deſultory incurſions; but eſcuage was when a royal army marched, not againſt the borders particularly, but againſt the kingdom of Scotland. Concerning which, Littleton expreſſeth himſelf in the like cautious manner as before: "It is ſaid, that when the king makes a voyage "royal into Scotland to ſubdue the Scots, he which holdeth by the ſervice "of one knight's fee ought to be with the king forty days, well and con-"veniently arrayed for the war; and he which holdeth his land by the moiety "of a knight's fee, ought to be with the king twenty days; and he which hold-"eth his land by the fourth part of a knight's fee, ought to be with the king "ten days: and ſo he that hath more, more; and he that hath leſs, leſs. "And after ſuch voyage royal into Scotland, it is commonly ſaid, that by "authority of parliament, the *eſcuage* ſhall be aſſeſſed and put in certain, that "is, a certain ſum of money, how much every one which holdeth by a whole "knight's fee, who was neither by himſelf nor by any other with the king, "ſhall pay to his lord of whom he holds his land by *eſcuage*. As put the "caſe that it was ordained by parliament, that every one which holdeth by a "whole knight's fee, who was not with the king, ſhall pay to his lord 40*s*; "then he which holdeth by the moiety of a knight's fee, ſhall pay to his lord "but 20*s*; and he which holdeth by the fourth part of a knight's fee, ſhall "pay 10*s*; and he which hath more, more; and he which hath leſs, leſs." *Litt. ſect.* 95. 97.

There hath been great diverſity of opinions concerning the value of a KNIGHT'S FEE, that is, how much land was deemed ſufficient for the maintenance of a knight. Sir Edward Coke ſays, "Some hold, that a knight's "fee conſiſted of 8 hides, and every hide contained 100 acres; and ſo a "knight's fee ſhould contain 800 acres: others ſay that a knight's fee con-"tained 680 acres. But I hold," ſays he, "that a knight's fee doth not con-"tain any certain number of acres; but is properly to be eſtimated according "to the quality, and not according to the quantity of the land, that is to ſay, "by the value, and not by the number of acres." (1 *Inſt.* 69.) Nevertheleſs, in theſe northern parts, it appears from an entry made in the Regiſter of the priory of Wetheral, that the knight's fee was eſtimated, not according to the quality, but quantity of the land. And this ſeems to account for the large meaſure of an acre before mentioned, in order to compenſate for the defi-

ciency in goodneſs. There we find explicitly, that ten acres make one ferndell, four ferndells one virgate (which is half a carucate), four virgates one hide, and four hides one knight's fee *. So that the knight's fee in this caſe will amount to 640 acres. The value of theſe appears to have been aſcertained at the time of Magna Charta; which fixes the *relief* to be paid for a knight's fee at 5 *l*; and as the *relief* in all the caſes there ſpecified was after the rate of one fourth part of the yearly value of the fee, it follows that a knight's fee was then eſtimated at 20 *l* a year.

All theſe particulars are neceſſary to be known, in order to the underſtanding of the ancient ſtate of this county. But happily now moſt of this knowledge is only matter of curioſity, all the tenures by knights ſervice with all the incidents and conſequences thereof having been aboliſhed by act of parliament ſoon after the reſtoration of king Charles the ſecond. For by the act of 12 C. 2. c. 24. it is enacted as followeth: Whereas it hath been found by experience that the court of wards and liveries, and tenures by knights ſervice, and the conſequents thereupon, have been much more burdenſome, grievous, and prejudicial to the kingdom, than beneficial to the king; be it enacted, that the court of wards and liveries, and all wardſhips, liveries, primer ſeiſins, and ouſterlemains, values and forfeitures of marriages, and all fines for alienations, ſeizures and pardons for alienations, tenure by homage, and all tenures by knights ſervice of the king or of any other perſon, and by knights ſervice in capite, and by ſocage in capite of the king, and all the incidents and conſequences thereof, ſhall be and are hereby taken away and diſcharged; and all tenures of any honours, manors, lands, or any eſtate of inheritance at common law, held either of the king or any other perſon, ſhall be turned into free and common ſocage, and ſhall ſtand and for ever be diſcharged of all tenure by homage, eſcuage, voyages royal, and charges for the ſame, wardſhips incident to tenure by knights ſervice, and values and forfeitures of marriage, and all other charges incident to tenure by knights ſervice. Provided, that this ſhall not be conſtrued to take away any rents certain, heriots, or ſuits of court, belonging to any former tenure now taken away or altered by this act, or the fealty and diſtreſſes incident thereto; and that ſuch relief ſhall be paid in reſpect of ſuch rents, as is paid in caſe of the death of a tenant in common ſocage. And provided, that this ſhall not take away any fines for alienation due by particular cuſtoms of particular manors and places, other than fines for alienations of lands or tenements holden immediately of the king in capite. And alſo provided, that this ſhall not be conſtrued to take away any tenures in frankalmoign, or to ſubject them to any greater or other ſervices than now are; nor to alter any tenure by copy of court roll, or any ſervices incident thereunto; nor to take away the honorary

* Sciendum eſt, quod x acræ terræ faciunt unam ferndellam; et iiij ferndellæ faciunt unam virgatam, ſive dimidium carucatæ; et ſic iiij virgatæ faciunt unam hidam, ſive duas carucatas; et iiij hidæ, viii carucatas; quod eſt feodum militis.

Item, Sciendum eſt, quod quando dabitur ad ſcutagium pro magno feodo militari xl *s*, tunc pro una hida terræ x *s*; pro una virgata ii *s* vi *d*; et pro dimidio virgatæ xv *d*; et pro ferndella vii *d* ob.; et pro una acra ob. q^a.

ſervices

ſervices of grand ſerjeanty, other than of wardſhip, marriage, and value of forfeiture of marriage, eſcuage, voyages royal, and other charges incident to tenure by knights ſervice.——And in conſequence of the premiſſes, power is given by the ſaid act to the father, by his deed or will, to diſpoſe of the tuition of his children till their ages of 21 years.

So much concerning the military tenure.—But beſides all this, there was another tenure in Weſtmorland, which hath greatly puzzled antiquarians to explain or underſtand. It was called DRENGAGE. Sir Matthew Hale, in his expoſition aforeſaid of the Veteripont charter, takes notice of it, and ſays, that there is no ſuch tenure in the ſouthern parts of England, and obſerves from the records before him that it drew wardſhip and relief. Sir Henry Spelman in his Gloſſary, on the words *Drenches*, *Drenges*, *Drengagium*, ſays, theſe words had perplexed him a long time: *(Voces altius ſopitæ, et quæ me diu torſere.)* He recites ſeveral records, wherein theſe words had occurred to him, and conjectures upon the whole, that the *Drenges* were free tenants holding by military ſervice. But there are other records, which had not fallen under the inſpection of that learned author, that deſtroy this notion intirely. Mr. Denton, from the Red Book in the exchequer, obſerves, that Sir Hugh Morvil in Weſtmorland changed *drengage* into free ſervice *; which implies, that it was not free before. At Brougham in this county, Gilbert de Burgham gave one half of the village of Brougham to Robert de Veteripont of whom he held in *drengage*, that the other half might be free from that ſervice. At Clifton alſo in this county, and other neighbouring parts, there were *drengage* tenants; and in the 31 Ed. 3. Gilbert de Engain of Clifton granted by indenture to Roger de Clifford lord of Weſtmorland the ſervices of divers perſons there by name, with their bodies and all that belonged to them *(cum eorum corporibus et eorum ſequelis)*, during the life of the ſaid Roger. So that they ſeem to have been drudges, to perform the moſt ſervile and laborious offices. And of theſe Roger had great uſe at Brougham; for of him the counteſs of Pembroke's memoirs take notice, that he was a lover of building, and a great repairer of his ancient caſtles, the ſeats of his anceſtors. They ſeem to have been tenants in pure villenage, who were bound to the lord as members of and annexed to the manor, and were uſually ſold with the farm to which they belonged.

And it was in contradiſtinction to theſe, that the others were called *free*. Which obſervation ought eſpecially to be noted, otherwiſe we ſhall fall into great confuſion in abundance of inſtances. For wherever *free* men, *free* tenants, or *free* holders are mentioned of old time, by theſe are not to be underſtood what we now call *freeholders*, but only that they were not *villains* or *bondmen*. All our military anceſtors within the ſeveral cuſtomary manors are ſtyled *free tenants*, but the lands were not freehold, according to the modern acceptation of that word.

* Drenga vertitur in liberum ſervicium per Hugonem Morvil in Com' Weſtmerl.'

And

And the very identical record, on which Sir Henry Spelman grounds his opinion, ſeems to make againſt him. "Behold," ſays he, "the very origin "of the matter (if I do not deceive myſelf) from an old manuſcript of the "family of Sharnburn in Norfolk, which I ſome time ago fortunately met "with. Edwin de Sharnburn, and ſome others, who were ejected out of "their lands, went to the Conqueror and told him, that never before the "conqueſt, nor in the conqueſt, nor after, were they againſt the king in "counſel and aid, but held themſelves in peace. And this they are ready to "prove, as the king ſhall ordain. Whereupon the ſaid king cauſed inquiry "to be made all over England, if it was ſo. Which was proved. Where-"fore the king commanded, that all they who ſo held themſelves in peace in "form aforeſaid, ſhould have again all their lands and poſſeſſions, as perfectly "and in peace as ever they had or held the ſame before his conqueſt. And "that thereafter they ſhall be called *Drenges*."—From which, the moſt natural inference ſeemeth to be, that they ſhould hold their lands, not by knights ſervice, for they had done no act of military atchievement in the Conqueror's behalf, as his faithful Normans had done; but that they ſhould hold their lands by tenure of villenage, in peace and without diſturbance, but not in the ſame degree of confidence and military employment, as thoſe who had exerted themſelves for his cauſe in the field †.

Alſo in the tenures of many of the manors, there were certain ſervices reſpecting the FORESTS; as, to keep aireys of hawks for the lord's uſe, to herd the lord's hogs during the maſtage ſeaſon, to watch with nets or dogs at ſuch a ſtation: More particularly, there are two ſervices that occur frequently, to wit, to find *puture* of the foreſters, and *witneſman*.

PUTURE, Sir Edward Coke explains as ſignifying *poture*, or drinking. It was a demand made by the officers of the foreſt, within the circuit of their perambulation, of all kinds of victuals for themſelves, their ſervants, horſes, and dogs. Others, who call it *pulture*, explain the word as ſignifying a demand in general; and derive it from the monks, who before they were admitted, *pulſabant*, that is, knocked at the gates for ſeveral days together.

Of the word WITNESMAN, no etymologiſt, or other author that we have met with, hath given any account. It is frequently found by the inquiſitions, that ſuch a man, being lord of a manor, was obliged *to find to the foreſters witneſman*. And amongſt the privileges granted to the meſne lords or their tenants, mention is made of *freedom from finding to the foreſters witneſman*.

In order to form a probable conjecture concerning this matter, it ſeemeth that we muſt go back to the ſtatute of Magna Charta. Before that ſtatute, by the abuſes of the King's officers and others, people were put to their waging

† Mr. Hume, in his hiſtory of England, vol. i. p. 179. ſays, that although this record was able to impoſe on ſuch able antiquarians as Spelman and Dugdale, yet Dr. Brady has proved it to be a forgery. But whether it is a forgery or not, is not material as to the ſuppoſed meaning of the word *drenges*.

of

of law, upon the bare ſurmiſe of ſuch officers, without other teſtimony. This waging of law was, that the defendant ſhould clear himſelf by the oath of 12 perſons, viz. himſelf abſolutely, and 11 others, of their belief that what he ſwore was true. Now by the ſtatute of Magna Charta, c. 28. it is enacted, "That no bailiff (or other officer) ſhall put any man to his open law, nor to "an oath, upon his own bare ſaying, without faithful witneſſes brought in "for the ſame." In purſuance hereof, the lords of the foreſts, making a virtue of neceſſity, granted to the meſne lords holding under them, that they would not put any man upon his trial by waging of law for offences within the foreſt, upon the ſole accuſation of the verderers or other officers without other teſtimony. But at the ſame time, they had no power to ſummon any perſons either as witneſſes or jurymen that inhabited out of the limits of the foreſt; for by the ſtatute of Charta de Foreſta, chap. 2. (which was made in the ſame year as the other called Magna Charta) "Men dwelling out of the "foreſt were not to be ſummoned before the juſtices of the foreſt, unleſs ac-"cuſed of ſome treſpaſs therein, or as ſureties for other offenders;" therefore the lords of the foreſt required at the ſame time of the ſaid meſne lords, that they ſhould cauſe the tenants within their juriſdiction to appear in the foreſt courts, and give teſtimony to the truth either as jurors or witneſſes, or in other words *to find unto the foreſters witneſman.*

Thus John de Veteripont, ſon of the firſt Robert, grants to the lords of the manors of Sandford, Burton, Helton, and Warcop, and their tenants, freedom from pulture of the foreſters; and from all things that he or his heirs, or his foreſters, by occaſion of the ſaid pulture, might demand by the teſtimony of his verderers or other officers in the foreſt: And if any forfeiture ſhould happen by reaſon of any treſpaſs within the foreſt; that the foreſters ſhould apply to the lords of the ſaid manors, and demand of them *witneſman:* And that the lords ſhould find unto the foreſters *witneſman:* And that every foreſter ſhould ſwear, upon the entrance into his office, that he would hurt no man by the occaſion of ſuch teſtimony *.

In reality, the holding of foreſt courts, the ſaid foreſts being in the hands of ſubjects, was intirely an uſurpation; and the lords of Weſtmorland, being alſo ſheriffs of the county, drew the foreſt cauſes into their county court. Thus the ſame John de Veteripont grants to the men of Kirkby Thore, that they ſhall be free from pulture of the foreſters, and from finding teſtimony to the foreſters, which is called *witneſman:* And if the foreſters ſhall find within their bounds a manifeſt offence of vert or veniſon; the offenders ſhall not be

* Sciant præſentes et futuri, quod ego Johannes de Veteripont, pro me et hæredibus meis, conceſſi et quietum clamavi in perpetuum, dominis de Sandford, de Burton, de Helton, et de Warthecop, ex utraque parte aquæ, et Willielmo filio Willielmi de Goldington, et hæredibus eorum, et hominibus eorum, quietantiam de pultura foreſtariorum, et de omnibus quæ ego vel anteceſſores mei, vel hæredes vel foreſtarii mei, aliquo tempore, occaſione dictæ pulturæ capere vel exigere potuimus vel poterimus, teſtimonio veredariorum vel venatorum. Ita tamen, quod ſi forisfactum fuerit de foreſta mea, vel de venatione, vel de viridi, vel de foreſtar'; inde venient ad ſupradictos dominos prædictarum villarum, et petent ab eis *wytneſman:* Et ipſi domini facient foreſtariis *wytneſman.* Et omnes foreſtarii mei jurabunt invicem qui facti fuerint foreſtarii, quod nemini noceount occaſione illius teſtimonii. *(Mazbel.)*

called

called to account for the ſame, but only in his county court of Weſtmorland *. Upon which grant Sir Matthew Hale's obſervation is very remarkable: He ſays, it was altogether an incroachment of the great lords to draw theſe cauſes into the foreſt courts; for they were not enabled by law to hold ſuch courts, theſe foreſts in the hands of ſubjects being but chaſes. And he ſays, treſpaſs of vert and veniſon were determinable either by a ſpecial commiſſion, or by action at common law: But the lords of Weſtmorland, having their own county court, and not being enabled to hold ſwainmote courts, drew the preſentments for theſe offences into their county court.

In ſome places, this obligation of *finding to the foreſters witneſman* was converted into a pecuniary compenſation. Thus in the 7 Hen. 7. in a rent roll of the crown lands within the barony of Kendal, whereof Sir Thomas Strickland was then ſteward, there is a payment of 2 *s* yearly by the tenants of Thornton, to the bailiff of the manor of Burton, by the name of *witneſs-ſilver*.

By cuſtom within the barony of Kendal, the WIDOW enjoys the whole cuſtomary eſtate during her widowhood; or, as others ſay, during her *chaſte* viduity. Whether ſuch diſtinction ought to be admitted, cuſtom hath not eſtabliſhed. To the honour of the ſex, there is no inſtance upon record, that we know of, wherein that matter hath been conteſted. And in the ſurvey which was made by order of queen Elizabeth in the 16th year of her reign (as will hereafter appear) this diſtinction is not taken notice of; it being there expreſſed, that "ſhe ſhall enjoy her huſband's tenement *during her widow's* "*eſtate*." And in the decree which ſettled the cuſtoms in all the crown manors in the reign of king James the firſt, the words are, that "ſhe ſhall enjoy "her huſband's cuſtomary eſtates *during her widowhood*."

And for this widow's eſtate is due to the lord an HERIOT; which, as the widow could not go to war, was a recompence, in order to provide things neceſſary for the marching of the army; as the word *heriot* imports, being of Saxon original, derived of *here*, an army, and *yate* or *gate*, a march or expedition. And this *heriot* was anciently the beſt beaſt of the deceaſed. In ſome manors cuſtom hath obtained, for the lord to have the beſt of the quick or dead goods at his option.

* Omnibus hoc ſcriptum viſuris vel audituris, Johannes de Veteriponte ſalutem in domino. Noverit univerſitas veſtra me conceſſiſſe et præſenti charta mea confirmaſſe hominibus de Kirkby Thore, et eorum hæredibus et aſſignatis, et eorum tenentibus, ut quieti ſint de pultura foreſtariorum meorum in Weſtmerland: Et quod quieti ſint in perpetuum de teſtimonio inveniendo foreſtariis meis quod appellatur *witneſman*: Et quod ſi iidem foreſtarii manifeſtum invenerint delictum verſus prædictos homines de Kirkby Thore, de venatione aut de viridi, infra diviſas ſuas; in nulla curia quæ ad me vel hæredes meos pertineat trahantur in placitum, de aliquo placito aut querela, niſi tantum in comitatu Weſtmerland. Et ut hæc mea confirmatio, conceſſio, et quieta clamatio perpetuam obtineat firmitatem, præſens ſcriptum ſigilli mei impreſſione roboravi. Hiis teſtibus, Thoma filio Johannis nunc vicecomite meo, Henrico de Suleby, Roberto de Hellebeck, Roberto de Aſkeby, Johanne Mauchael, Richardo Baliſtario, Alano Pincerna, Adamo de Soureby, Willielmo Anglico de Aſkeby, Waltero de Meburne, Alano de Berwys, et multis aliis. *(Machel.)*

In

In ſome places alſo are claimed *parcel heriots*, that is, an heriot for every parcel of land acquired to the original eſtate. This perhaps ſhould mean, for every ancient military tenement, upon this reaſon, that if a man purchaſeth two tenements, which before paid two heriots, the lord ſhall not loſe his benefit by thoſe tenements coming into one perſon's hands. This diſtinction of tenements, though ſeveral of them be now enjoyed by one perſon, yet is ſtill kept up in many places, thoſe eſtates being called emphatically by the name of *Ancients*, which reſpects particularly the ancient manſion-houſe, or place where that houſe ſtood; for which the owners ſerve ſeparately and diſtinctly the office of conſtable, and other like offices. But in none of the inquiſitions or other evidences that we have met with, is this diſtinction taken notice of; but they run all in the ſtyle of one heriot to be paid by one perſon. In the ſurvey of the Marquis Fee, made by order of the Marchioneſs of Northampton, in the 14th year of the reign of queen Elizabeth, the words are, "By the death "of the tenant, the wife payeth *a heriot*." In queen Elizabeth's ſurvey of the Richmond Fee, in the 16th year of her reign as aforeſaid, the commiſſioners return, that "on the death of the tenant, the lord is to have the *beſt beaſt* being "upon the tenement, of which beaſt the tenant died ſeiſed as of his own pro-"per goods, in the name of *the heriot*." And in the ſettlement of the cuſtoms in the reign of king James the firſt abovementioned (for the confirmation of which cuſtoms the tenants paid a valuable conſideration, as will hereafter appear) the words are, "Upon the death of every tenant dying ſeiſed of a tene-"ment, leaving a widow behind him, *an heriot* (ſhall be paid); for which ſhe "is to enjoy her huſband's *cuſtomary eſtates* during her widowhood only." And in all antiquity we have not met with more than one heriot paid by one perſon. On the contrary, the ſecond beſt horſe was due to the church, and was carried, by the name of mortuary or corſe preſent, before the corps, and delivered to the prieſt at the place of ſepulture *.

In the bottom of Weſtmorland, the widow has in ſome places half, and in others only one third, of her huſband's cuſtomary eſtate; and in that part of the county not many heriots are paid: for in thoſe caſes there is an heir at law, who enters immediately; and conſequently the lord did not want a ſoldier, or if the heir was under age, the lord had the wardſhip of his lands.

* In the dioceſe of Carliſle it ſeemeth that the church was to be firſt ſerved, and the lord had only the ſecond beſt; as appears from the following entry in the regiſter of Wetheral priory: "Be "it knawen to all manner of men that this preſent wrytinge ſhall ſe or here, That I Thomas Bamp-"ton of Threpland within the pariſh of Torpenhowe, 89 years and more of age, ſaw and had "knowledge, that Robert Heghmore, lord of Bowaldeth, preſumptuouſly tooke, in the name of "a herriot, a horſe called a mare, of the goods of John Overhowſe of Bowaldeth, afore the kyrke "took the mortuary. Wharfore he ſtoode accurſed thowro the dioces of Carlil, and was cited to "apper at Aſpatry affore Mayſter William Barowe biſhoppe of Carlil, and doctor of both laws; "whar he aſked penance and abſolution. And thare he made reſtitution of the ſayde horſe to Sir "Robert Ellergill vicar of Torpenhowe. And in remembrance, the ſayde Robert Heghmore "gaffe to the ſayde vicar ſix akes beſte in his wodde; the whilk the ſayde Thomas Bampton fellid "and carred to Torpenhowe; and there the biſhopp oppynly gaffe a decre and a ſentence to all "thayme that aftyrward and from thensforthe tooke the herriot, affore the holy kyrke warr poſ-"ſeſſed, God's curſe, and his, and all holy kyrkks."

In a ſmall manuſcript by one *Iſaac Gilpin*, whoſe father had been ſteward of ſeveral manors within the barony of Kendal, and died about the year 1630, at the age of 92 years; he ſays, he had heard of his father, and had obſerved the ſame himſelf, that by general cuſtom within the ſaid barony, if a woman hath an eſtate and marries, hereby the eſtate is ſo far veſted in the *huſband*, that he may ſell it in his lifetime; but if in his lifetime he doth not alter the property, then it ſhall continue to her and her heirs.

And Mr. Machel ſays, he heard this cuſtom proved at the aſſizes at Appleby before judge Dolben, Aug. 29, 1690; that if a man marries an heireſs, or a woman who hath purchaſed lands before marriage, he is intitled thereupon to be admitted tenant, and may aliene the land to whom he pleaſeth. But it did not appear (as the judge obſerved) that it was ſo, where lands fall to a feme-covert or are given to her after marriage.

The ſaid Mr. Gilpin obſerves further; that generally a *fine* is due upon change of the lord by death, and change of the tenant by death or alienation: The one called a general, the other a ſpecial or dropping fine.

But as to the general fine, there is this exception, where a man purchaſeth the manor and dieth, the former lord being yet living. In that caſe, there is no fine due upon the death of the purchaſing lord, nor of his ſon or other deſcendent or aſſignee, ſo long as the laſt general admitting lord is living; but upon the death of the laſt general admitting lord, it hath been determined that a fine ſhall be paid to the lord then in poſſeſſion.

A fine arbitrary or uncertain (he ſays) is loſt, if the tenant dies before it is aſſeſſed by the lord, and demand thereof made.

But in moſt of the manors, to prevent endleſs altercations, the fines have been reduced to a certainty; and in others extinguiſhed, and the eſtate purchaſed to freehold.

Beſides rent, fines, heriots, ſuit of court, and the like dependencies, there are likewiſe BOONS, which vary in the ſeveral manors; as, to pay a farm hen or capon; to plow, harrow, mow, reap, for a certain number of days; to carry coals; to repair the lord's mill race; and ſuch like. The very word *boon* implies a benignity or voluntary kindneſs; but length of time hath riveted theſe ſervices, and they are become matters not of choice, but of neceſſity.

In the barony of Kendal the cuſtomary lands are *deviſable by will*; but not ſo in the bottom of Weſtmorland.

As for ſuch as have been EARLS of this county, Sir Daniel Fleming obſerves, that although it be generally affirmed, that king Richard the ſecond created the firſt earl of Weſtmorland, yet there ſeem to have been ſome earls of this county before; for he finds Humphrey de Baſſingburne one of the knights of the earl of Weſtmorland about the time of the conqueſt. As to the reſt, the ſaid king Richard the ſecond created Ralph Nevill of Raby earl of Weſtmorland, a man of the greateſt and moſt ancient birth of Engliſh nobility, as deſcended

deſcended from Uſthred earl of Northumberland; whoſe heirs ſucceſſively flouriſhed in that honour, until Charles Nevill, caſting off his allegiance to queen Elizabeth, and covering treaſon under pretext of religion, diſhonoured that noble houſe, and in the year 1599 was forced to fly into the Low Countries, where he ended a miſerable life. The aforeſaid earl Ralph, by his wife Catharine daughter of John of Gaunt duke of Lancaſter, had ſo fair iſſue, and the name of Nevill became thereby ſo greatly multiplied, that almoſt at one and the ſame time there flouriſhed, beſides the earls of Weſtmorland, an earl of Saliſbury, an earl of Warwick, an earl of Kent, a marquis Montacute, a duke of Bedford, a lord Latimer, and lord Abergavenny, all Nevills. Francis Fane, eldeſt ſon of Mary lady Deſpencer, deſcended from the Nevills earls of Weſtmorland, was by king James the firſt created earl of this county; in which family the honour ſtill continues.

Sheriffs of this county, before the grant of the ſheriffwick in fee to Robert de Veteripont, ſo far as we have been able to trace them, are as follows:

In the reign of king Hen. 2. in a trial between Robert de Muſgrave and the abbot of Byland in the county court at Appleby, *William Fitz-Hugh* was ſheriff.

In the 22 Hen. 2. *Elias* ſon of *Gilmichael* accounted in the exchequer for ſeveral fines paid for delivering up Appleby caſtle to the king of Scots, viz. Goſpatrick ſon of Orme 500 marks, Ralph de Cundal 40 marks, Odard de Burgham 20 marks, Humphrey Malchael 15 marks, John de Morvilla (ſc. Morton) 20 *l*, Robert ſon of Colman 15 *l*, Richard de Cotesford 10 *l*, Robert dapifer (ſteward of the houſhold) of Hugh Morvill 5 *l*, Gilbert de Engain 5 *l*, Robert de Broy 40 *s*, William de Colby 40 *s*, Robert Ribble 2 marks, William Deſpencer 20 *s*, William Clerk of Appleby 10 marks, Walter Plummer 2 marks, Stephen de Ebor' 20 *s*, John Perimpter 20 *s*, Odard Rufus 2 marks, Bernard Cook ſon of Wilfrick 4 marks, Robert de Ebor' 2 marks, Adam de Mercher 5 *l*, Geoffrey de Bolton 20 *s*, Gregory le Pinder 20 *s*, Ravenchill Molendarius 2 marks, and Richard Engliſh 2 marks. *(Denton, from the Red Book in the exchequer.)*

In the 25 Hen. 2. *Ranulph de Glanvill*, ſheriff of Weſtmorland, accounted in the exchequer (amongſt other particulars) for the rent of the county of Weſtmorland, received by him of Hugh de Morville of Hoff. *Id.*

In the 2 Ric. 1. *Oſbert de Longchamp* was ſheriff. *Id.*

In the 8 Ric. 1. *Hugh Bardulphe*, ſheriff, accounted in the exchequer. *Id.*

In the 9 Ric. 1. *Adam de Deepdale.* Id.

In the 1 Joh. *Gilbert* ſon of *Reinfred* paſſed his accounts in the exchequer, for fines paid by Henry de Weſhington for lands in Croſby, by Gamel de Clifton for lands at Clifton, for a relief of 13 *s* 4 *d* paid by Walter ſon of Durand, for 3 *l* paid by Hugh de Cottesfurth for lands at Aſby after the death of his uncle, and other particulars. *Id.*

In the 2 Joh. *Geoffrey Fitz Peter* and *Roger de Bellocampo* were ſheriffs of Weſtmorland. In their account mention is made of Richard Pippard conſtable of Appleby, and John Mathon conſtable of Burgh; and that the caſtles

of Appleby and Burgh were repaired, and the repairs viewed and approved by Thomas ſon of Goſpatric, and Evo de Johnby. *Id.*

In the 3 Joh. *William Stutevil* and *Philip Eſcrope* were ſheriffs. *Id.*

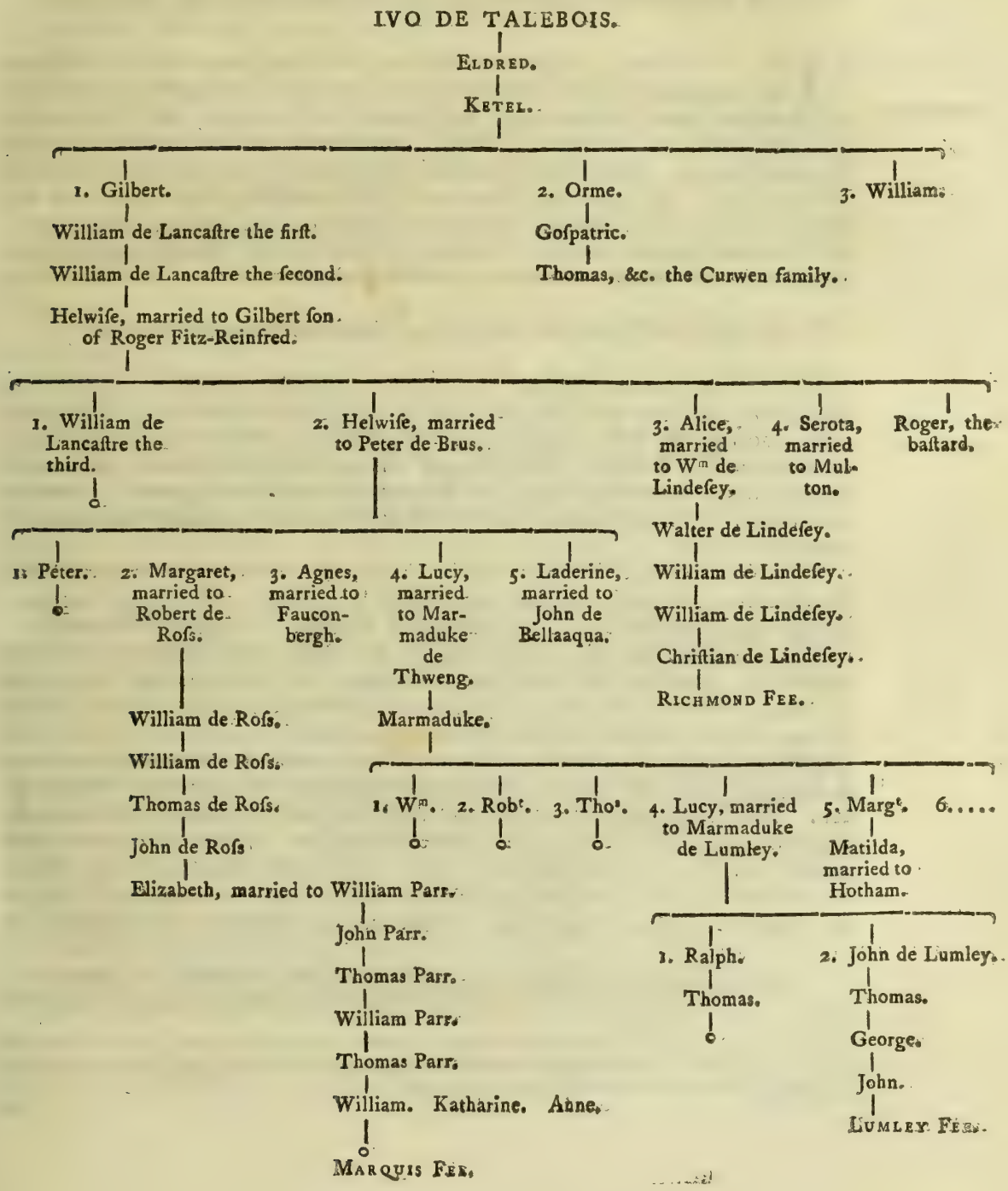
In the 4 Joh. Robert de Veteripont was ſheriff; and in the next year the ſheriffwick was granted to him in perpetuity, in whoſe poſterity the ſame continues to this day.

This county ſends two members to parliament; a liſt whereof is inſerted in the Appendix, N° XXXIII.

——So much concerning Weſtmorland in general. In treating of the two great diviſions thereof, it ſeemeth requiſite to begin with the barony of Kendal, not only as this was held by the more ancient grant, but alſo becauſe heretofore it extended to ſeveral places within the bottom of Weſtmorland; and conſequently what we ſhall have to ſay of thoſe places, will be better underſtood, after we have treated of that barony unto which they originally belonged.

A GENE-

A GENERAL VIEW of the SUCCESSION to the BARONY of KENDAL.



CHAPTER I.

Of the BARONS *of* KENDAL *before the diviſion of the inheritance.*

CHAP. I.

I. IVO DE TALEBOIS, brother to *Fulk* earl of *Anjou*, came in with William the conqueror: Unto whom the conqueror gave that part of Lancaſhire which adjoins unto Weſtmorland, and ſo much of the county of Weſtmorland as is now called the barony of Kendal. And hence this *Ivo* is ſtyled the firſt baron of Kendal. His eſtate extended into ſeveral parts of the bottom of Weſtmorland. He gave the church of *Kirkby Stephen* to the abbey of St. Mary's York. The manors of *Barton*, *Patterdale*, *Hackthorp*, *Melkanthorp*, and *Morland*, appear to have belonged to that family. He gave alſo all the churches in the barony of Kendal to the ſaid abbey *.

II. ELDRED, or ELTHRED, ſon of *Ivo*, the ſecond baron of Kendal.

III. KETEL, ſon of *Eldred*. Unto whom, *William Meſchiens*, brother to *Ranulph de Meſchiens* lord of Cumberland, gave ſeveral places in Cumberland; and, amongſt the reſt, a place which from him received the name of *Kelton* (or Ketelton). Whether the diviſion of the manor of *Strickland* in the barony of Kendal was made in his time, or afterwards, hath not appeared. The denominations of *Strickland Ketel* and *Strickland Roger* moſt probably were received from this family.

This *Ketel* ſon of *Eldred* gave to the abbot and convent of St. Mary's York the church of *Morland*, and two carucates of land there; which grant was confirmed by Athelwold and Hugh biſhops of Carliſle. *(Regiſter of Wetherel.)*

The ſaid *Ketel* had three ſons; *Gilbert*, the eldeſt, who ſucceeded as baron of Kendal: Another ſon *Orme*, who was founder of a family that is not yet extinct. Which *Orme* had a ſon *Goſpatric*, who had a ſon *Thomas*, which *Thomas* ſon of *Goſpatric* was founder of Shap abbey; and from him are deſcended in a regular ſucceſſion of the male line (taking in collaterals ſometimes to exclude the female deſcent) the preſent family of the *Curwens* of Workington. All the pedigrees of the *Curwen* family that we have met with do expreſs, that *Orme* was ſon of *Ketel*, ſon of *Eldred*, ſon of *Ivo*. But none of theſe take notice that he was a younger ſon; which hath cauſed ſome confuſion. That he was ſon of *Ketel*, there ſeems to be no doubt. So he is expreſsly ſtyled in the record of a plea in the 6 Ed. 1. wherein it is ſet forth, that *Goſpatric* ſon

* Moſt of the particulars relating to theſe barons are taken from Sir William Dugdale's 62 volumes of records, as extracted by Mr. Machel, and from Sir Daniel Fleming's copies or extracts of records and other evidences.

Ingulf, ſpeaking of the depredations made or permitted by the Conqueror, ſays, that Ivo de Taillebois plundered the monaſtery of Croyland of a great part of its lands, and no redreſs could be obtained. (Hume's Hiſt. of Engl. vol. i. p. 179.)

of *Orme* ſon of *Ketel* gave Salter in Cumberland to the abbey of St. Mary's York. And that he was not the eldeſt ſon is very clear; for the inheritance of the barony of Kendal deſcended to Gilbert ſon of *Ketel* ſon of *Aldred* ſon of *Ivo*.—The name of *Ketel*'s other ſon was *William*, as appears from the atteſtation of his grant of the church of Morland aforeſaid to the ſaid abbey; from which alſo appears that his wife's name was *Chriſtian*: "*Teſtibus, Chriſtiana "uxore mea, Willielmo filio meo, et multis aliis.*"

IV. GILBERT, ſon of *Ketel*, fourth baron of Kendal.

V. WILLIAM DE TALEBOIS, ſon of *Gilbert*, was the firſt who (by licence of king Henry the ſecond) took the name DE LANCASTRE. He was a great benefactor to many religious houſes; as, to St. Bees, Furneſs, Cockerſand, St. Leonard's nigh Kendal, and others. And he founded the priory of Conyngſhead. He married Gundred counteſs of Warwick, daughter of William earl of Warrene; and by her had iſſue,

VI. WILLIAM DE LANCASTRE the ſecond. He was ſteward to king Henry the ſecond.

This William gave to one Hugh the hermit, a certain place called Aſkeleros and Croc, to look to his fiſhing in the river Loyn.

The ſaid William ſon of William gave to the King 30 marks, that he might have a duel with Goſpatric ſon of Orme; which ſum was accounted for in the exchequer by the ſheriff Elias ſon of Gilmichael aforeſaid.

He married Helwiſe de Stutevile, by whom he had only a daughter, named after her mother *Helwiſe*. So that here the direct male line failed, and the inheritance was transferred by a daughter into another family.

VII. This HELWISE, daughter and heir of the ſaid *William de Lancaſtre* the ſecond, was married to GILBERT ſon of ROGER FITZ-REINFRED. Which *Roger Fitz-Reinfred* was one of the judges of the court of king's bench, and likewiſe juſtice itinerant, and ſheriff of Suſſex from the 23d to the 33d of Hen. 2. and of Berks in the 34 Hen. 2. and 1 Ric. 1.

To this Gilbert, king Richard the firſt, in the firſt year of his reign, granted the whole foreſt of Weſtmerland and of Kendale and of Furneſe, to hold to him and his heirs as fully and freely as William de Lancaſtre and Nigel de Albiny had held the ſame: And granted alſo, that what had been waſte in the woods of Weſtmerland and Kendale, in the time of the ſaid William, ſhould be ſo ſtill; except the purpreſture made by licence and conſent of the lords of the fee of Kendale and of Weſtmorland.

The ſaid king granted to him alſo in the ſame year a quittance, through all his lands of Weſtmerland and of Kendale, from *noutegeld*; and from ſuit to the ſhire, hundred, or trithing courts, and aid to the ſheriff or his bailiffs †.

This

† Ricardus Dei gratia, &c. Sciatis nos conceſſiſſe et dediſſe et præſenti charta confirmaſſe, Gilberto filio Rogeri filii Renfredi, et hæredibus ſuis poſt eum, quietantiam per totam terram ſuam de Weſtmerland:

CHAP. I.

This Gilbert alſo procured from the ſaid king a charter for a weekly market at Kendale on Saturday. Another grant he had from the ſaid king of lands in Levenes, Farleton, Detene, Preſton, Holme, Berton, Henecaſtre, and Loppeton, with the fiſhery belonging to the ſaid lands, and all other liberties and privileges *.

The ſaid Gilbert granted to Thomas ſon of Goſpatric certain lands in Holme, Preſton, and Hoton. Witneſſes of which grant were, Roger ſon of Reinfred, Hugh de Morville, Gilbert de Lancaſtre, Gervaſe de Aincourt, Roger de Bellocampo, and others.

The firſt witneſs to the charter of Robert de Veteripont of the ſite and demeſne lands of the abbey of Shap, is this ſame Gilbert ſon of Roger Fitz-Reinfred.

The ſaid Gilbert adhered ſo far to the rebellious barons in the time of king John, that he was forced to pay a fine of 12,000 marks in the 17th year of that king. Upon which he obtained a pardon, as alſo that William de Lancaſtre his ſon, Ralph de Aincourt and Lambert de Buſſy his knights, ſhould be freed from their impriſonment, having been taken in Rocheſter caſtle by the king. Nevertheleſs, he was not ſo far truſted, as to be at liberty without giving divers hoſtages for his own future fidelity, and for the fidelity of William his ſon; viz. Benedict ſon and heir of Henry de Redman, the heir of Roger de Kirkby his daughter's ſon, the ſon and heir of William de Windleſore, the daughter and heir of Ralph d'Eincourt, the daughter or ſon and heir of Roger de Burton, the daughter and heir of Adam de Yelond, the ſon or daughter of Thomas de Bethun, the ſon or daughter and heir of Walter de Stirkland, the daughter of Richard de Coupland, and the ſon of Gilbert de Lancaſtre.

He died in the fourth year of king Henry the third, leaving one ſon, who ſucceeded him, and three daughters.

VIII. WILLIAM DE LANCASTRE the third; ſon of the ſaid Gilbert ſon of Roger Fitz-Reinfred, by his wife Helwiſe de Talebois daughter of William

Weſtmerland et de Kendale de *noutegeld*, ſc. de 14*l* 16*s* 3*d*, quos ipſe Gilbertus ſolebat reddere per annum pro *noutegelde* de præfata terra. Conceſſimus etiam eidem Gilberto et hæredibus ſuis quietantiam per totam præfatam terram ſuam de ſchiris, et de wapentac, et de trithinga, et de auxiliis vicecomitum et omnium ballivorum ſuorum. Hanc quietantiam ei conceſſimus et confirmavimus et hæredibus ſuis, per ſervitium unius militis quod nobis facere debet ipſe Gilbertus et hæredes ſui poſt eum, et hæredibus noſtris, pro prædicto *noutegeldo*. Pro hac autem quietantia et conceſſione dedit nobis ſupradictus Gilbertus viginti marcas argenti. Quare volumus et firmiter præcipimus, quod prædictus Gilbertus, et hæredes ſui poſt eum, habeant et teneant prædictam quietantiam de nobis et hæredibus noſtris, per prædictum ſervitium, bene et in pace, libere et quiete, integre, plenarie, et honorifice, in boſco et plano, in viis et ſemitis, in pratis et paſturis, in vivariis et ſtagnis, in nundinis et feriis, in mercatis et extra, et infra burgum et extra, et in omnibus aliis locis. Et prohibemus ne quis eundem Gilbertum vel hæredes ſuos de præfata quietantia diſturbet. Teſte Willielmo Comite Arundel (et multis aliis).——Is erat tenor chartæ noſtræ in primo ſigillo; quod quia aliquando perditum fuit, et dum capti eſſemus in Alemannia in aliena poteſtate conſtituti mutatum eſt, hujus innovationis teſtes ſunt hii, H. Sar. Epiſc. &c.

* .... in burgo et extra burgum, et in omnibus locis, liberas et quietas de geld, et denegeld, et neutegeld, et horngeld, et de blodwitha, et frithwitha, et de leirwitha, et ferdwitha, cum ſoca et ſaca, et tol et theam, et infangtheif, et cum omnibus aliis libertatibus et liberis conſuetudinibus, quæ ad eas terras pertinent.

de

de Lancaſtre the ſecond. He took the name *de Lancaſtre*, together with the inheritance, from his mother.

He married Agnes de Brus: by whom he had no iſſue.

He was juſtice itinerant for the county of Cumberland, in the 10th year of king Henry the third; and was ſheriff of Lancaſhire from the 18th to the 30th year of that king.

This William confirmed to Patric ſon of Thomas ſon of Goſpatric the aforeſaid grant made by Gilbert father of the ſaid William, of lands in Holme, Preſton, and Hoton. Witneſſes of which confirmation were, Gilbert de Kirketon then ſheriff of Weſtmorland (that is, under-ſheriff to the then Robert de Veteripont), Matthew de Redeman then ſeneſchal (that is, ſteward, or recorder) of Kendal, Ralph de Aincourt, Alexander de Windeſore, Richard de Preſton, Robert de Laiburne, Robert de Kerneford, Gilbert de Witeby clerk, and others †.

For the health of his ſoul, and the ſoul of Agnes his wife, he gave to the monks of Furneſs one boat to be uſed on Wynender-mere, for carriage of timber and other commodities; and one other boat, to fiſh in that mere.

The ſaid William de Lancaſtre the third gave to one Laurence de Cornewall and his heirs the mills at Ulverſton and certain lands there. Which Laurence begat John, and John begat Laurence, which Laurence (becauſe he had no heirs of his body) gave the ſame to Edmund Nevill and his heirs. Which

† The ſheriff is often mentioned as a witneſs to ſuch ancient grants, together with divers of the principal gentlemen of the county. And the reaſon is, becauſe theſe matters, for the greater notoriety thereof, were frequently tranſacted in the county court; which in ancient time was the court for almoſt all buſineſs. And every freeman was bound to attend, and the meſne lords holding under the lords of Weſtmorland, who alſo were ſheriffs of the county, were obliged by their tenure to attend monthly, and did regularly attend, at the ſaid court. And the law to this day, in many inſtances, ſuppoſeth this general concourſe and attendance: For there the knights of the ſhire are elected, as alſo coroners; and outlawries are there pronounced, as being the place moſt likely for the offenders to come to the knowledge thereof. Subſcribing witneſſes were not uſual in thoſe days, nor till many ages after. And therefore the writing only mentions ſuch and ſuch perſons as witneſſes, who were generally the principal perſons for rank and diſtinction there preſent. The truth is, very few people could then write, not even perſons of the higheſt rank and eminence. Many charters are yet extant, granted by kings and other great perſons, from which it appears that they could not ſubſcribe their names, but they ſigned the charters with a croſs, as thus, "Ego "Athelwaldus + ſubſcripſi;" which croſs was affixed with their own hands, *propter ignorantiam literarum* (as Du Cange expreſſeth it); and it is remarkable, that even to this day, perſons who cannot write uſually mark the writing with this ſame ſignature of a croſs. So late as the fourteenth century, Du Gueſclin, conſtable of France, the greateſt man in the ſtate, and one of the greateſt men of his age, could neither read nor write. Nor was this ignorance confined to laymen; the greater part of the clergy was not many degrees ſuperior to them in ſcience. Many dignified eccleſiaſtics could not ſubſcribe the canons of thoſe councils, in which they ſat as members. Alfred the great complained, that from the Humber to the Thames there was not a prieſt who underſtood the liturgy in his mother tongue, or who could tranſlate the eaſieſt piece of Latin; and that from the Thames to the ſea, the eccleſiaſtics were ſtill more ignorant. This was owing, beſides the ferocity of the times, to the great ſcarcity of books before the invention of printing. (1 Robertſon's Hen. 5. p. 232.)——Such an one *Clericus*, doth not mean a clergyman, for thoſe they expreſſed by *perſona* or parſon of ſuch a church; or if not beneficed, they ſtyled him *capellanus*: But *Clericus* ſeems moſt commonly to denote the perſon who wrote the inſtrument. *Gilbert de Wateby*, as we find from abundance of inſtruments, was a common conveyancer in thoſe times.

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Edmund begat William, William begat John, John begat Thomas (then living, *viz.* in the year 1409, when that entry was made in the regiſter of Furneſs abbey).

He confirmed to one Alward de Broghton and his heirs the manor of Broghton; to be holden by knights ſervice and rent.

His arms on ſeveral of theſe grants are, Argent, two bars Gules: In a quarter Gules, a lion paſſant Or.

In the 11th year of king Henry the third, there was a conteſt between Robert de Veteripont ſheriff of the county, and this ſame William de Lancaſtre lord of Kendale, concerning ſuit to be made to the county court by the ſaid William and his tenants. And by a fine levied thereupon in that year, William grants ſuit for his lands to the county, by himſelf or his attorney; and if any pleas be attached touching the tenants of William, whereof by the law the barons ought to have their courts, then upon demand thereof he ſhall have it: Martin Patiſhull, John de Saul, William de Inſula, and Richard Duckett, being then juſtices itinerant.

By his will he bequeathed his body to be buried in the quire of the abbey of Furneſs, near to the tomb of William his grandfather.

Agnes de Brus his wife ſurvived him; and had, for part of her dower, an aſſignment of the manors of Greſmere, Langedon, Croſſethwait, and Lyth.

IX. The male line failing again in this William de Lancaſtre the third; we paſs to his three ſiſters, daughters of Gilbert and Helwiſe aforeſaid. Theſe were, HELWISIA, married to PETER DE BRUS; ALICIA, married to WILLIAM DE LYNDESAY; and SEROTA, married to ALAN DE MULTON, who died without iſſue of her body.

And therefore the inheritance deſcended to the two ſiſters HELWISE and ALICE, and was divided between them; one of whom received for her ſhare what was afterwards called the RICHMOND FEE; the other, what was afterwards called the MARQUIS and LUMLEY FEE.

ALICE was the younger ſiſter. But as her ſhare was kept more intire, there will be leſs confuſion if we diſpatch that firſt; and then proceed to the other, which became afterwards further divided.

CHAPTER II.

Of the RICHMOND FEE.

ALICE, ſiſter of the laſt William de Lancaſtre as aforeſaid, was married to WILLIAM DE LINDESAY; and brought with her in marriage one moiety of the barony of Kendal.

They

They had a ſon WALTER DE LYNDESAY; who died in the 56 Hen. 3. at which time he held, as found by inquiſition, of the king *in capite*, a moiety of Kirkeby in Kendale.

He had a ſon and heir WILLIAM DE LYNDESAIE; on whoſe death in the 11 Ed. 1. the inquiſition finds, that he died ſeiſed of the foreſt of Greſmere, Langden, Troutbeck foreſt, Applethwaite, Wynandermere, Eccleſall, Skandall, Lyith, Croſthwayte, Stirkland Ketell, Kirkeby in Kendale, Helſington, Kent fiſhery, and Hoton in the Hay.

This William had a ſon and heir WILLIAM DE LYNDESAY; concerning whom we find nothing particular, ſave only that he died without any male heir of his body, leaving iſſue only a daughter and heir, *viz.*

CHRISTIAN DE LYNDESEY, who was married to INGELRAM DE GUISNES lord of Coucy in France. They had a ſon *William*, born in France, who after his father's death inherited his eſtate there. They had a ſecond ſon INGELRAM, born in England, who died without any heir of his body. And his brother *William* being an alien, and thereby not capable to inherit, the eſtate eſcheated to the crown.

The aforeſaid elder brother *William* had two ſons; *Ingelram* the elder, and WILLIAM, both of them born in France, in the ligeance of the king of France. *Ingelram* enjoyed the paternal eſtate there; and the king granted to *William* the younger brother his grandmother *Chriſtian*'s eſtate in England. Which *William* alſo died without iſſue of his body, and the eſtate again eſcheated to the crown.

After which, the ſaid king, namely, king Edward the third, in the 21ſt year of his reign, granted the ſame to JOHN DE COUPLAND (of Coupland nigh Wooler in the county of Northumberland, and captain of Roxbrough caſtle) and JOHAN his wife, during their lives, and the life of the longer liver of them: As follows,——"The king, to whom theſe preſents ſhall come, greeting. Know ye, that whereas we, lately conſidering the acceptable and laudable ſervices done unto us by our beloved John de Coupland, and the good ſtate which he hath held in our wars, and alſo the valiant behaviour of the ſaid John in the battle of Durham, where God by his divine power conferred upon our faithful ſubjects of the northern parts a glorious victory over our enemies the Scots, in which battle the ſame John took David de Bruys, who cauſed himſelf to be called king of Scotland, and delivered him up unto us, and being willing to reward the ſaid John for his fidelity and valour, in ſuch wiſe that others in time to come may take example from thence, have advanced him to the ſtate of a baneret, and for maintenance of the ſaid ſtate have for us and our heirs granted to the ſaid John 500 *l*, to be received by him every year, to wit, 400 *l* out of the iſſues of our

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" cuſtoms in the port of our city of London, and 100*l* out of the iſſues of " our cuſtoms in the port of the town of Berewic upon Tweed, until we ſhould " make a competent proviſion for him of 500 librates of land, or a compe- " tent yearly rent; and now being willing that our ſaid grant may be effec- " tually carried into execution, we have given and granted for us and our heirs, " to the ſaid John, the manor of Coghull with the appurtenances in the " county of York, and a moiety of the manor of Kirkeby in Kendale with its " members and other appurtenances in the counties of Weſtmerland and Cum- " berland, and a moiety of Ulverſton with the appurtenances in the county of " Lancaſtre: And we have alſo granted to the ſaid John the manors of Mor- " holme, Warton, Carnford, and Lyndheved, with the appurtenances, to " hold of us at our will at the yearly rent of 78*l* 5*s* 11*d*. All which ſaid " premiſſes belonged to William de Coucy, and which after the death of the " ſaid William came into our hands as eſcheats." And then he goes on and makes proviſion for Johan, in caſe ſhe ſurvive her huſband. " Dated at our " Tower of London the 21ſt day of May, in the 21ſt year of our reign."

It hath been obſerved above, that the laſt William had an elder brother Ingelram, who inherited the Coucy eſtate in France. This Ingelram had a ſon Ingelram lord of Coucy, who married ISABEL daughter of king Edward the third of England. And the king granted unto them the reverſion of the Engliſh eſtate, after the death of the ſaid John de Coupland and Johan his wife, to them and the heirs of their bodies; except the reverſion of the moiety of the manor of Ulverſton, which he gave to the abbey of Furneſs.

And all this appears from an inquiſition taken at Lancaſter for the Lancaſhire eſtates (for in every different county where they had eſtates there were different inquiſitions) in the 49 Ed. 3. after the death of the aforeſaid Johan de Coupland. By which it is found, that William ſon of William de Coucy deceaſed was of the kingdom of France, that he died ſeiſed in his demeſne as of fee of the manor of Moorholme, a moiety of the manor of Wireſdale, a moiety of the manor of Eſton, a third part of the manor of Whittington, all holden of John duke of Lancaſtre by knights ſervice and ſeveral rents; and of a moiety of the manor of Ulverſton, holden of the abbot of Furneſe by the like ſervice and rent. The jurors further find, that the ſaid William ſon of William died without any heir of his body, and that he had no heir within the kingdom of England, or within the dominion of the king of England. But they ſay, that Ingelram de Coucy, who was of the ligeance of the king of France, was brother and next of kin by blood to the ſaid William ſon of William; which Ingelram is dead. And they ſay, that Ingelram de Coucy, lord of Coucy that now is, who is of the parts of France and of the ligeance of the king of France, is ſon and next heir of the ſaid Ingelram. And they ſay, that our lord the king that now is, after the death of the ſaid William ſon of William, ſeized into his hands all the ſaid lands and tenements as eſcheats, for that he died without any heir or heirs within the kingdom of England or dominion of the king of England. And that the ſaid king granted all the ſaid lands and tenements to John de Coupland and Johan his wife for their lives; and the reverſion

reverſion thereof to Ingelram de Coucy that now is, and Iſabel his wife, and the heirs of their bodies; and the reverſion of the ſaid moiety of Ulverſton to the abbot of Furneys and his ſucceſſors.

And there is a licence in the exchequer, 31 Ed. 3. for the abbot of Furneys to take the reverſion of the moiety of the manor of Ulverſton, and to enter upon the ſame after the death of John de Coupland and Johan his wife, for the fine of 40 marks.

The Weſtmorland inquiſition after the death of the ſaid Johan is as follows:

" An inquiſition indented, taken before John Savill eſcheator of our lord " the king in the county of Weſtmerland, at Kirkby in Kendale, on Saturday " next after the feaſt of Corpus Chriſti, in the 49th year of the reign of king " Ed. 3. by the oath of Thomas de Redeman, Roger de Levens, Roland de " Thornburgh, John de Chambre de Kendale, Robert de Docura, Richard " Carous, William Danny, Richard Walker, William de Gilpin, Roger de " Stirkland, Henry de Gnype, and John de Stirkland; who ſay,

" That *Johan*, who was the wife of *John de Coupland*, held for the term " of her life, by the grant of our lord the king, the manor of *Wynandermere*, " with its members and appurtenances, to wit, the hamlet of *Langden*, " *Loughrigge*, *Griſmer*, *Hamelſide*, *Troutbeck*, *Applethwate*, *Croſthwate*, *Stirk-* " *land Ketell*, and *Hoton*; and the manor of *Caſterton* with the appurtenances; " and alſo a moiety of the manor of *Kirkby* in *Kendale* with the appurte- " nances: The reverſion thereof (after the death of the ſaid *Johan*) to the " lord *Ingelram de Coucy* earl of *Bedford*, and *Iſabel* his wife daughter of our " ſaid lord the king, and the heirs of their bodies.

" Extent of the knights fees which the wife of *John de Coupland* deceaſed " had for the term of her life.

" The ſame jurors ſay upon their oath, that *Ralph de Bethome*, knight, held " of the ſame Johan the manor of *Bethome* with the appurtenances, by ho- " mage and fealty, and the ſervice of 32*s* a year, as of her manor of Kirkeby " in Kendale: And *Nicholas de Haverington* held of *Ralph de Bethome* the ma- " nor of *Farleton*, by homage and fealty, and the ſervice of two marks a " year, as of his manor of *Bethome*.

" *William Windleſore* held of the ſaid Johan the manors of *Haverſham*, *Mor-* " *land*, and *Grarigge*; by homage and fealty, and the ſervice of 13*s* 4*d* a " year as of her ſaid manor of Kirkeby.

" *Matthew de Redman* held of the ſaid Johan the manors of *Levens* and " *Lupton*, by homage and fealty, and the ſervice of two marks a year, as of " her manor aforeſaid.

" *Thomas Adamſon* held divers tenements in *Middleton* of the ſaid Johan, by " homage and fealty, and the ſervice of 4*s* a year, as of her manor afore- " ſaid.

" *Ralph Laſcells* held of the ſame the manor of *Barburne*, by homage and " fealty, and the ſervice of 30*s* 7*d* a year, as of her manor aforeſaid.

" *Hugh de Moreſby* held of the ſame Johan the manor of *Hoton Roofe*, by " homage and fealty, and the ſervice of 8*s* a year, as of her manor aforeſaid.

" *Thomas*

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" *Thomas de Redman* held of the ſame divers tenements in *Kirkſlack*, as of " the inheritance of *Sturnel*, by homage and fealty, and the ſervice of 3*s* 4*d* " a year, as of her manor aforeſaid.

" *William de Bourdale* held of the ſame divers tenements in the town of " *Kirkeby*, by homage and fealty, and the ſervice of 16*d* a year, as of her " manor aforeſaid.

" *Simon de Haverſham* held of the ſame divers tenements in *Hoton Roofe*, by " homage and fealty, and the ſervice of 3*s* 4*d* a year, as of her ſaid manor " of Kirkeby.

" The prior of *Watton* and *Johanna de Haverington* held of the ſame the " manor of *Thornby*, by homage and fealty, and the ſervice of five marks a " year, as of her manor of Kirkeby.

" *Margaret* who was the wife of *Roger de Lancaſtre* held of the ſame divers " tenements in *Bravandeſdale*, by homage and fealty, and the ſervice of 2*s* a " year as of her manor of Kirkeby.

" *Robert de Bellingham* held of the ſame Johan divers tenements in *Stirkland* " *Ketell*, by homage and fealty, and the ſervice of 8*d* a year, as of her ma- " nor of Kirkeby.

" *Robert de Stirkland* held of the ſame divers tenements in *Stirkland Ketell*, " by homage and fealty, and the ſervice of 8*d* a year, as of her manor of " Kirkeby.

" *Robert de Docura* held of the ſame divers tenements in *Kirkeby Kendale*, " by fealty, and the ſervice of 2*s* a year, as of her manor of Kirkeby.

" *Adam Thurſtanſon* held of the ſame one tenement in *Stirkland Ketell*, by " fealty, and the ſervice of 20*d* a year, as of her manor of Wynandermere.

" Alſo they ſay, that the ſame Johan died ſeiſed for the term of her life as " aforeſaid of the advowſon of the chapel of *Griſemere*, which is taxed at 10*l*; " and of the advowſon of the chapel of *Wynandermere*, which is taxed at 100*s*; " and of the advowſon of the chapel of *St. Mary Holme*, within the lake of " *Wynandermere*, which is worth nothing, becauſe the land which the ſaid " chapel enjoyed of old time, hath been ſeiſed into the hands of the king, " and lies within the park of *Calvgarth*.

" The reverſion of all the premiſſes wholly belongs to *Ingelram de Coucy* earl " of *Bedford*, and *Iſabel* his wife, and the heirs of their bodies, by the grant " of our lord the king, as appeareth by his charter.

" In witneſs whereof the jurors aforeſaid have ſet their ſeals."

The ſaid INGLERAM DE COUCY, and ISABEL his wife, daughter of the king of England as aforeſaid, had a daughter named PHILIPPA, married to *Robert de Vere* earl of *Oxford* and duke of *Ireland*; from whom, in the reign of king Richard the ſecond, ſhe was divorced for lack of children.

She died in the 13 Hen. 4. and by an inquiſition in that year it was found, that *Philippa* who had been the wife of *Robert de Vere* late duke of *Ireland* died ſeiſed of a moiety of the manor of Kirkeby in Kendale.

And the ſame having reverted again to the crown for want of heirs of the body of the ſaid *Philippa*, the ſaid king Henry the fourth granted the premiſſes

miſſes to his third ſon JOHN duke of BEDFORD. And by an inquiſition of knights fees in Weſtmorland taken at Appleby in the 6 Hen. 6. it was found, that the lord *John* duke of *Bedford* then held of the king *in capite* a moiety of the manor of Kirkby in Kendale, by the ſervice of one knight's fee; and that the ſame lately belonged to dame *Philippa* ducheſs of *Ireland*. The ſaid *John* duke of *Bedford* died in the 14 Hen. 6. as appears by the inquiſition after his death, in which he is ſtyled uncle of the ſaid king.

The ſaid king Henry the ſixth, in the 22d year of his reign, granted the ſame to JOHN DE BEAUFORT duke of SOMERSET and of KENDAL, and his heirs male, with remainder to the crown: Which John duke of Somerſet was ſon of John de Beaufort earl of Somerſet, ſon of John of Gaunt duke of Lancaſter, ſon of king Edward the third. The ſaid duke of Somerſet died in the ſame year in which his grant was made, without iſſue male; and the premiſſes reverted again to the crown.

And the king thereupon granted the ſame by letters patent to MARGARET daughter and heir of the ſaid *John* duke of *Somerſet*, by the name of MARGARET counteſs of RICHMOND, ſhe having been the wife of *Edmund* late earl of *Richmond*, and being then (by her ſecond marriage) wife of *Henry Stafford* ſon of *Humphrey* late duke of *Buckingham*. The grant was to her and the ſaid *Henry*. And there is a private act of parliament, 3 Hen. 7. c. 2. confirming to her the ſaid grant.

And this ſeems to have firſt given to the ſaid moiety of the manor of Kendale the name of RICHMOND FEE, which it retains to this day.

In the ſeventh year of king Henry the ſeventh ſhe cauſed a rental to be made of the ſaid moiety, of which the particulars were as follows:

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Greſmere	11	1	11	Fiſhery of Kent	1	0	0
Langden	6	0	0	Burgage of Kendal	2	2	8
Loughrigg	2	3	9½	Toll of Kendal	4	10	0
Amelſide	26	14	8½	Whittington	6	0	0
Troutbeck	4	4	1	Caſterton	3	10	0
Aplethwait	30	4	0	Thornton	12	12	1
Undermilnbeck	8	10	6	Whierſdall	49	12	1
Croſthwait	16	7	6	Scotforth	6	1	0
Hutton	17	4	6	The office of land ſerjeant	10	6	7
Stirkland Ketell	1	8	1½	Warton	60	3	9
Froſthwait	1	6	8	Kneton and Middleton	6	13	4

Fees and penſions paid forth of the ſame.

	l.	*s.*	*d.*
To the Steward	5	0	0
To the land ſerjeant	10	0	0
Fees to the foreſters of Troutbeck	2	3	0
To Reignal Bray knight, general receiver,	4	11	0
To Richard Berwick bowbearer of Troutbeck	3	1	6
Unto St. Mary Holme	6	0	0

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The aforeſaid *Margaret* counteſs of *Richmond* was mother to the ſaid king Henry the ſeventh; and from her this *Richmond fee* came again to the crown.

King Henry the eighth, in the 23d year of his reign, granted the ſame to his natural ſon HENRY duke of RICHMOND and SOMERSET; who dying without any iſſue of his body, the ſame reverted the eighth time to the crown.

The MARQUIS FEE eſcheated not long after, firſt by attainder, and afterwards for want of heirs of the body of the laſt grantee; and both have continued in the crown ever ſince, and have commonly paſſed together by temporary grants; as will appear in due courſe, when we have brought up the *marquis fee* through the ſeveral poſſeſſors till its return into the hands of the crown.

CHAPTER III.

Of the MARQUIS FEE.

HAVING deduced the *Lindſey* moiety of the barony of Kendal, which came to that name and family by the marriage of *Alice* one of the ſiſters and coheirs of the laſt William de Lancaſtre baron of Kendal; we proceed to the other ſiſter and coheir before mentioned, namely, HELWISE who was married to PETER DE BRUS, ſon of *Peter de Brus*, ſon of *Adam de Brus*, ſon of *Adam de Brus*, ſon of *Robert de Brus* knight, who came in with William the Conqueror. Unto which *Robert*, for his extraordinary ſervices, the conqueror gave 43 lordſhips in the Eaſt and Weſt Ridings of the county of York, and 51 in the North Riding. Of the younger branch of this family was *Robert de Brus* (or *Bruce*), who in the reign of king Edward the firſt was competitor with *John Baliol* for the crown of Scotland.

This PETER DE BRUS, of whom we ſpeak, being the ſecond of that name, had by his ſaid wife *Helwiſe* a ſon PETER DE BRUS, who ſucceeded his father and mother in their inheritance; and four daughters, *viz.* 1. *Margaret*, married to *Robert de Roſs*. 2. *Agnes*, married to *Walter de Fauconberge*. 3. *Lucy*, married to *Marmaduke de Thweng*. 4. *Laderine*, married to *John de Bellew* (or *de Bella-aqua*).

PETER DE BRUS the third, ſon of *Peter* and *Helwiſe*, after his mother's death, ſucceeded to a moiety of the barony of Kendal.

This *Peter* confirmed to the free burghers of his moiety of Kirkby in Kendale, all the liberties and free cuſtoms which they had of the gift of William de Lancaſtre his uncle.

In the 44 Hen. 3. he granted to William de Pickering the manor of Killington.

He died in the 7 Ed. 1. ſeiſed, as the inquiſition finds, of a moiety of the manor of Kirkeby in Kendale; and as parcel thereof, of the caſtle, with the parks, vivaries within the parks, and herbage therein of the yearly value of ten

ten marks. And the jurors further find, that he died without any heir of his body; and that *Margaret*, *Agnes*, *Lucy*, and *Laderine*, were his ſiſters and coheirs.

The arms of *Brus* were; Or, a ſaltire Gules, a chief of the laſt.

Upon his death, a partition of the Lancaſtre and Brus eſtates was made amongſt the ſaid four ſiſters. And in the 11 Ed. 1. there is a writ to the eſcheator beyond Trent, to take the inheritance of Peter de Brus back into the king's hands, till another partition be made, if Walter de Fauconberghe (huſband of Agnes), who was abſent at the time of the partition, is not ſatiſfied therewith.

The ſhare of *Margaret* the eldeſt ſiſter is that only which we are concerned with at preſent. *Agnes*, the ſecond ſiſter, had no ſhare in Weſtmorland. *Lucy*, the third ſiſter, had that which is now called the Lumley-fee. And *Laderine*, the fourth ſiſter, had Kentmere, and nothing elſe in Weſtmorland.

Margaret's ſhare upon the partition is thus deſcribed, *viz.* Kendal caſtle, with all in Kendale which had been Peter's, and whatſoever belonged to the ſaid Peter in demeſnes, villenages, rents, and ſervices of free men and others; except the vill of Kentmere, which was aſſigned to Laderina. And there was a diſpute whether the advowſon of the church of Warton in Kendale belonged to Margaret by virtue of this partition of the eſtate; and it was determined for her, in the 17 Ed. 1.

This MARGARET DE BRUS was married as aforeſaid to ROBERT DE ROSS (or, as it was moſt commonly written, *Roos*). He was younger ſon of *Robert* lord *Roos* of Hamlake and Werke, by his wife Iſabel daughter of the king of Scots. The elder brother was *William* lord *Roos* of Hamlake and Werke, father of *William* lord *Roos*, father of *John* lord *Roos*, father of *William* lord *Roos* of Belvoir, one of whoſe daughters and coheirs, *Elianor*, was married to Sir *Robert Manners* anceſtor of the preſent duke of *Rutland*, who ſtill retains amongſt his other titles that of baron *Roſs* of Hamlake.

This *Robert de Roos*, huſband of *Margaret*, died in the 2 Ed. 1. before her brother *Peter*. Hence the partition of the eſtate is ſet forth to have been between *Margaret de Roſs* and the *huſbands* of the three other ſiſters; *viz. Walter de Fauconberghe*, *Marmaduke de Thweng*, and *John de Bella-aqua*.

She appears to have been living many years after the death of her huſband; for in the 29 Ed. 1. ſhe conveyed by fine to her ſon *William de Ros* 2 meſſuages, 31 carucates, and 45 acres of land, 5 mills, and a moiety of 3 mills, in Helſington, Scaleghwayt Rig, Hoton, Hay, Stirkeland Randolphe, Greenerigg, Hogayl, Patton, Dilaker, and the advowſon of the hoſpital of St. Leonard in Kirkebie in Kendale, the caſtle of Kirkebie in Kendale, and the fourth part of the manor of Kirkebie in Kendale, and 10*l* 2*s* 0½*d* of rent, alſo the rents of one ſparhawk, of 3 pounds of pepper, 2 pounds of cumin, 1 pound of wax, and 12 arrows; and two parts of one knight's fee in Burton, Manſerghe, Preſton Richard, Lupton, Hencaſtre, Killington, Frittebank, Berghes, Sockbrede, Tereghe, Stirkeland Roger, Slegill, Bannandeſdale, Little Styrkeland, Conyngeſwyke, Bratha lake, Tranthewayte, Barton, Melkanthorpe, Middleton, Stainton, Libberghe, Haverbrake, Stirkeland Ketell, Crook, Patton, Ulnethwayte,

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thwayte, Aſthewayt, and Stirkeland Randolfe, in the county of Weſtmerland; and the 100th part of one knight's fee in Leighton and Yelond Coygners in the county of Lancaſtre: To hold to the ſaid William and the heirs of his body; and in defect thereof, to (her nephew) Marmaduke de Thweng, and his heirs.

This *William de Roos*, ſon and heir of Margaret, died probably before his mother. For the inquiſition after his death bears date in the 3 Ed. 2. And in that year we find that *Margaret de Ros* held the manor of Melcanthorp. How long ſhe lived after this, we have not found.

The ſaid *William* had a ſon WILLIAM DE ROOS, who in the 2 Ed. 3. obtained a charter for a market at Staveley on the Friday weekly; and a fair yearly, on the eve, day, and morrow of St. Luke the evangeliſt. He was ſucceeded by his ſon,

THOMAS DE ROOS knight, who died in the 14 Ric. 2.

This *Thomas* had a ſon JOHN DE ROOS, who died before his father, leaving an infant daughter: For among the eſcheats in the 32 Ed. 3. we find, that *John* ſon of *Thomas Roos* of Kendal died in that year, and that ELIZABETH was his daughter and heir, aged two years. Which daughter was afterwards married to *William del Parre* knight. And by an inquiſition upon *Thomas*'s death, in the 14 Ric. 2. as aforeſaid, it was found, that he died ſeiſed of one fourth part of the manor of Kirkeby in Kendale; and that Elizabeth wife of *William del Parre* knight was his kinſwoman and heir. The mother of *Elizabeth* lived a long time after: For in the 6 Hen. 6. it is found by inquiſition, that *Katherine* widow of *John Roos* of Kendal died in that year, ſeiſed of the manor of Carghow in Cumberland (which of a long time had belonged to the barons of Kendal, and this probably was part of her jointure).

The arms of *Roos* were; Gules, three water budgets Sable.

ELIZABETH as aforeſaid, heireſs of the family of *Roos*, was married to WILLIAM DEL PARRE knight. She died before him. For in the 20 Ric. 2. we find the ſaid *William del Parre* holding by the curteſy of England [*per legem Angliæ*] the fourth part of Kirkby in Kendale of the king *in capite*, by the ſervice of one knight's fee. He died in the 6 Hen. 4. ſeiſed (as the inquiſition finds) of the ſaid fourth part of the right of *Elizabeth* his late wife, kinſwoman and heir of *Thomas de Roos* knight, and daughter of *John de Roos* ſon of the ſaid *Thomas*. And the jurors find, that *John Parre* was his ſon and heir.

JOHN PARRE knight, ſon and heir of *William*, did not long ſurvive his father; for the inquiſition after his death bears date in the 9 Hen. 4.

He was ſucceeded by his ſon THOMAS PARRE knight; who by an inquiſition of knights fees in the 6 Hen. 6. appears to have held one fourth part of the manor of Kirkby in Kendale, by the ſervice of the fourth part of one knight's fee. This *Thomas* died in the 4 Ed. 4. having two ſons, 1. *William*, who ſucceeded him. 2. *John*, to whom king Edward the fourth, in the 2d. year of his reign, granted the ſheriffwick of Weſtmorland during his life, with power to exerciſe the office by a deputy or under-ſheriff; the young Henry lord Clifford, hereditary ſheriff of the county, being then deprived of his honours

nours and eſtate, by reaſon of his father having ſided with the houſe of Lancaſter in the then civil wars. Which king alſo granted to the ſaid *John* and his brother *William* all the lands of Sir Henry Bellingham of Bourneſhead, who was attainted on the like account.

Sir WILLIAM PARRE knight, ſon and heir of Sir *Thomas*, married Elizabeth one of the three ſiſters and coheirs of Henry lord Fitz Hugh. He was made knight of the garter by king Edward the fourth. He was knight of the ſhire for Weſtmorland in the 6th, and again in the 12th of Ed. 4. He appears have been living in the 22d year of that king. In what year he died we have have not found.

He had two ſons, *Thomas* the elder; and a younger ſon Sir *William Parre* of Horton in Northumberland, who married a daughter and coheir of Roger Saliſbury. This younger ſon Sir William was buried in the pariſh church at Horton, June 21, 1546; leaving only a daughter, married to Sir Thomas Treſham.

The elder ſon Sir THOMAS PARR knight ſucceeded his father. He was maſter of the wards and comptroller to king Henry the eighth. He married *Maud* daughter and coheir of Sir Thomas Green. By her he had one ſon and two daughters. The elder daughter *Katherine* was married firſt to Edward Borough, ſecondly to John Nevil lord Latimer, thirdly to king Henry the eighth (being his ſixth wife), and laſtly to Thomas lord Seymour of Sudley, one of the uncles of king Edward the ſixth; and ſhe died in the 2 Ed. 6. The other daughter *Anne*, was married to William Herbert earl of Pembroke.

In the 3d year of the ſaid king Henry the eighth, this Sir *Thomas* had a grant of free warren in his manor of Kendale, and in all his lands within the county of Weſtmorland.

In the ſame year he took to farm of Henry lord Clifford the profits of the ſhrievalty ariſing within the barony of Kendal, for the rent of 4*l* a year. At the ſame time there was a payment out of the barony of Kendal into the exchequer called *Herbert ſilver*, which probably was ſo ſtyled from this ſame Herbert earl of Pembroke; which being left in arrear and unpaid by Sir Roger Bellingham when he was under-ſheriff, a writ was iſſued, on behalf of the lord Clifford, for the payment thereof.

The ſaid Sir *Thomas* died in the 9 Hen. 8. and by his will dated the 7th of November in that year, he ordered his body to be buried, according to his degree, without pomp or pride, in the Black Friers London, if he ſhould die within 20 miles thereof: All his manors, lands, and tenements within the realm of England, which deſcended to him as heir from his father Sir *William Parr* knight, he gave to his wife *Maud* during her life; 800*l* betwixt his two daughters *Katherine* and *Anne* towards their marriages; 100 marks to the chantry of Kendal; to his ſon *William Parr* his chain of gold worth 140*l* and his ſignet which the king gave to him the teſtator.

By an inquiſition after his death of his lands in Weſtmorland, in the 10 Hen. 8. the jurors find, that he was ſeiſed of the manor of Kendale, with 1000 acres of paſture, and 400*l* rent, with the appurtenances, in Hutton,

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Hay, Strickland, Hugill, Greenrigge, Ullerthorne, and Kirkby in Kendale; and that *William Parr* eſquire was his ſon and heir, aged then five years.

His wife *Maud* ſurvived him; and by her will, the probate of which bears date 14 Dec. 23 Hen. 8. ſhe orders her body to be buried in the Black Friers church in London, where her huſband lieth, if ſhe die in London, or within 20 miles thereof. She mentions therein her ſon and heir *William Parr* as to be married to the lady Bourchier, daughter and heir apparent to the earl of Eſſex. One of the witneſſes to the ſame is Sir *William Parr* of Horton, called the brother of the teſtatrix.

And by an inquiſition taken at Shap 28 Oct. 24 Hen. 8. the jurors find, that *Thomas Parr*, knight, late huſband of the ſaid *Maud*, was ſeiſed of and in the manor of Kendale, to wit, Grenehede, Skalthwaitrig, Strickland Roger, Grenerig, Ullathorne, Riſton, and Kirkeby in Kendale: That a fine was levied thereof in Michaelmas term 23 Hen. 7. That they had two daughters *Katherine* and *Anne*: And that *William Parr* is ſon and heir of the ſaid *Maud*, and was 19 years of age on the 14th day of Auguſt laſt.

WILLIAM PARR, eſquire, ſucceeded his father Sir *Thomas*. It hath not appeared that this *William* was ever knighted. His ſteward's accounts in the 24 Hen. 8. ſtyle him only *William Parr*, eſquire. In which accounts, amongſt other particulars, is the following Item: "In money paid to the abby and "convent of St. Mary's York, for the tithes of corn and hay of all the de-"meſne lands of the caſtle of Kendal, called Myntesfeete, Gallobar, Kirke-"fielde, and 20 acres of incloſure at Stanecroſſe lying contiguous, 44 *s* 8 *d*; "as allowed in accounts of preceding years."

In the 30 Hen. 8. he was created *lord Par and Roſs* of Kendal; and in the 35th of the ſame king he was made *baron of Hart* in Northamptonſhire, to him and his heirs male. And having married Helena daughter and heir of Henry Bourchier earl of Eſſex, he was in the ſame year (as it were in her right) created *earl of Eſſex*, to him and his heirs male, and knight of the moſt noble order of the garter. And finally, in the 1 Ed. 6. he was created MARQUIS OF NORTHAMPTON; and from hence, that part of the barony which he held received the name of the MARQUISEE, which it ſtill retains.

In the firſt year of queen Mary he was attainted of high treaſon, for taking part with William Dudley duke of Northumberland and the lady Jane Grey married to Guilford Dudley his ſon. Whereby his eſtate became forfeited to the crown. But he was ſoon after pardoned, and the eſtate (or at leaſt a great part of it) reſtored to him.

For by a charter bearing date 8 Jan. in the 1 and 2 Ph. and Mary, the ſaid king and queen grant to *William Parre* the whole demeſne, manor, caſtle, and park of Kendale, parcel of the poſſeſſions of *Thomas Parre* knight, father of the ſaid *William Parre*, late Marquis of Northampton. And all thoſe free rents of the free tenants of the fourth part of the barony of Kendale, parcel of the poſſeſſions aforeſaid. And all thoſe demeſne lands without the walls of the ſaid park of Kendale, and the mill and burgages in the vill or burgh aforeſaid, parcel of the ſaid manor of Kendale. And all thoſe improvement rents as well nigh Kendale as in the country, extending to the clear yearly value of 50 *s* 5 *d*. Alſo the

the tallage, market, fairs, toll, ſtallage, weights and meaſures in Kendale, demiſed to Chriſtopher Sadler. And alſo Cargo in Cumberland [with divers other poſſeſſions elſewhere] parcel of the poſſeſſions aforeſaid. To hold to him the ſaid *William* late marquis of Northampton and the heirs of his body lawfully begotten, of the king and queen *in capite*, by the ſervice of one knight's fee.

The ſaid *William* died in the 13 Eliz. and was buried at the upper end of the quire of the collegiate church at Warwick, where his body was dug up (Sir William Dugdale ſays) in the reign of king James the firſt, to make room for the burial of an ordinary gentlewoman. It was found perfect, with the ſkin intire, dried to the bones, with roſemary and bays lying in the coffin freſh and green. All which were ſo preſerved by the dryneſs of the ground wherein they lay, it being above the arches of that fair vault which is under the quire, and of a ſandy condition, mixed with rubbiſh of lime. All which, Sir William Dugdale ſays, was related to him by thoſe who were eye-witneſſes thereof. 2 Dugd. Bar. 380.

By an inquiſition taken at Kendal, 14 Mar. 14 Eliz. the jurors find, that he died ſeiſed in his demeſne as of fee tail (the reverſion thereof belonging to the ſaid queen) of all the poſſeſſions as in the aforeſaid grant, and of and in all thoſe manors of Greſmere, Langden, Greenrigge, Skallthatrigge, Strickland Rogers, Hoton, Hay, Hewgill, and Grenehead: And that the ſaid *William Parr*, late marquis of Northampton, married one Helena, late marchioneſs of Northampton, yet living: That he died on the 28th of October, in the 13th year of the reign of the ſaid queen. Of his heir they find nothing.

But by an inquiſition taken at Leiceſter Ap. 12. in the ſame year, the jurors find, that he died without any heir of his body.——His arms were; Argent, 2 barulets Azure, within a bordure ingrailed Sable.

It was obſerved before, that he had only two ſiſters; *Katherine*, wife of king Henry the eighth, who died before her brother, and without iſſue; and *Anne*, who was married to William Herbert earl of Pembroke, anceſtor of the preſent earl of Pembroke, who hath ſtill, amongſt his other titles, that of baron *Roſs* and *Parr* of Kendal.

His widow Helena had dower aſſigned to her by letters patent of the queen, of which ſhe the ſaid Helena cauſed a ſurvey and rental to be made as follows:

"The rental and ſurvey of the fourth part of the manor and barony of "Kendal, and other lands and poſſeſſions in the counties of Weſtmorland "and York, limited and aſſigned by the letters patent of our ſovereign lady "queen Elizabeth, for the dower of the right honourable Ellen lady marquis "of Northampton; and now taken and renewed, July 12, 1572, by Tho- "mas Whalley and Fowlk Obell eſquires, by virtue of the warrant and com- "miſſion of the lady marquis to them in that behalf directed as followeth:

"Com' Weſtmorl'

"Baronia ſive manerium de Kendal.

"Freeholders there, who hold of the barony or manor of Kendal and the "caſtle of the ſame certain lands and tenements, viz. by rent payable at Pen- "tecoſt and Martinmaſs, &c. The earl of Derby, for tenements in Burton,

"payeth.

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" payeth yearly 31*s.* George Middleton eſquire, for tenements holden by " him, a ſpar-hawk or 12*d.*" And ſo in like manner of many others. " To- " tal of the free rent per annum, 9*l* 5*s* 4*d.*

" The *caſtle* of Kendal is ſituate on the knowl of an hill within the park " there, and on the eaſt ſide of the town of Kendal, with a fair and beauti- " ful proſpect, both of wood, paſture, and running water. The out walls " embatteled 40 foot ſquare. And within the ſame no building left; ſaving " only on the north ſide is ſituate the front of the gate-houſe, the hall, with " an aſcent of ſtairs to the ſame, with a buttery and pantry at the end there- " of; one great chamber, and two or three leſſer chambers and rooms of eaſe " adjoining to the ſame: being all in decay, both in glaſs and ſlate, and in all " other reparations needful. Under the hall are two or three ſmall rooms of " cellars. In the ſouth ſide is ſituate a dove coat, in good repair. The " yearly rent of the demeſne and one fourth part of the toll, 64*l* 14*s* 0*d.* " Yearly rent of the tenants at will in New-biggin in Kendal, 4*l* 3*s* 0*d.* " Yearly rent of the burgage lands there, 10*l* 15*s* 6*d.* Fourth part of the " fiſhing of Kent, 1*l* 2*s* 4*d.* Memorandum, That the ſaid liberty of fiſhing " in the ſaid water of Kent extendeth from St. John's Croſs beneath Miln- " thorp unto Gilthroughton above Staveley; wherein are taken ſalmon, trouts, " eels, and other ſmall fiſh: And the royalty of the ſaid fiſhing is limited as " followeth; viz. half to the queen, a fourth part to my lady marquis, and " a fourth part to Mr. Bellingham. The rents of the improvements and in- " tacks taken off the waſtes of Kendal, called Dob Freer, the Backs, and " Croſs-Bank, 3*l* 12*s* 5*d.*

" Reprizes: The yearly fee to the keeper of Kendal park, 3*l* 6*s* 8*d.* To " the collector of the rents of the land ſerjeanty, 20*s.* And to the clerk of " the courts in Kendal, 20*s.*

" There is a wood in Kendal park of the value of 400*l*; in Saprigg, of the " value of 100*l.*

" Memorandum, that the whole barony of Kendal, ſince the attainder of " the late marquis in queen Mary's time, is divided, half to the queen, and the " other half to the lady marquis and Mr. Bellingham.

" Beſides the other waſtes and commons, there is a parcel of waſte ground " lying by the water ſide, containing one acre, belonging to the caſtle, called " Tenterholme or Gooſeholme, and uſed of long time by the inhabitants of " Kendal for the place of their tenters, without any rent paying for the " ſame.

" There is alſo kept a three weeks court, and two leets, viz. on the Mon- " day after Low-Sunday, and the week after Michaelmaſs. And the ſaid " courts are alſo kept in the name of the queen, lady marquis, and Mr. Bel- " lingham, and the profits divided amongſt them as above. And likewiſe " all other royalties, waifs, eſtrays, felons goods, fines, amerciaments, are to " be divided amongſt them accordingly.

" Concerning the cuſtom of the burgage land and tenant right, the tenants " which claim the ſame have neither copy nor other evidence to ſhew for " their titles; but by continuance of time, and by preſcription, do hold the

" ſame

" ſame to them and their heirs. By the ſaid cuſtom, at the change of lord or " tenant, every tenant payeth double his rent; and by the death of the te- " nant, the wife payeth a heriot. The tenant is to have timber for reparations, " firebote, plowbote, and cartbote, to be aſſigned him by the lord's officer " within the manor, and four ſworn men; but they cannot fell any wood of " warren without the lord's licence.

" All the tenants are bound to ſerve at the weſt marches at Carliſle, upon " their own coſts and charges, without the queen's wages."

Then the rental goes on and particularizes the ſeveral other manors within the ſaid Marquis Fee, which we ſhall take notice of when we come to treat of thoſe places reſpectively *.

By the aboveſaid rental it ſeemeth, that the ſaid late marchioneſs had the whole Marquis Fee aſſigned to her for dower (for her huſband had other large poſſeſſions). But not long after this, queen Elizabeth made an exchange with her for this Marquis Fee, giving her other lands in lieu thereof, whereby both the Marquis and Richmond fees came into the queen's hands. And in the 16th year of her reign, ſhe iſſued a commiſſion to inquire of the following articles; viz. " Articles to be inquired upon, for and touching the ſurvey of " divers manors, lands, and tenements, demiſed to Henry late earl of Cum- " berland for the rent of 335*l.*" (of which queen Mary had granted to him a leaſe for 21 years); " and alſo of all the manors, lands, and tenements late " aſſigned for the jointure of the lady Helen marchioneſs of Northampton, " and now delivered into the queen's majeſty's hands by the ſaid lady marquis " for other lands. 1. To view and ſurvey the eſtate of every caſtle or fort " upon the premiſſes. 2. To make a perfect terrier or rental of every ſeveral " manor or townſhip, dividing therein the rents of the freeholders, farmers, " cuſtomary tenants, and tenants at will, and what ground every of them " holdeth, with their ſeveral rents. 3. To enquire of all decays, intruſions, " incroachments, and whether any ſuch have been made upon the ſaid poſ- " ſeſſions, and who hath done the ſame. 4. To inquire of all the cuſtoms, " ſervices, and royalties, belonging to any of the ſaid manors, or other the " premiſſes or any parcel thereof. 5. For the better ſervice of her majeſty " in all and every the articles above mentioned, to call before them all and " ſingular the freeholders, cuſtomary tenants, and other inhabitants, within " any of the ſaid manors or townſhips, by whom they may have knowledge " of the premiſſes, and to take copies of their leaſes and other writings, " whereby they claim the lands and tenements holden by them." The return of the commiſſioners bears date 7 Sept. 16 Eliz. whereby they certify as follows:

" The NAMES of the manors, lordſhips, hamlets, and townſhips, belonging " to the lands called *Richmond* lands, viz. Greſmyer, Langden, Loughrigge, " Croſsthwaite and Lyth, Troutbecke, Amylſide, Applethwaite, Undermil- " becke, New Hutton, Caſterton, Strickland Kettle, Helſington.

* The ſaid rental was copied by Sir Daniel Fleming from a book belonging to Mr. Thomas Sands of Kendal in the year 1672.

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" CUSTOMS:

" *Cuſtomary admittances.* The jury find and preſent upon their book oaths, " that every perſon and perſons in the aforeſaid manors, lordſhips, hamlets, " and townſhips, having a juſt and lawful title to the tenant right of any te- " nement of the aforeſaid lands commonly called Richmond lands, and com- " ing to the court holden there by the lord of the ſame lands or his lawful " deputy or officer, and paying there in open face of the court, at the ex- " change of lord or tenant, one penny of ſilver, commonly called a God's- " penny, thereby is or ought to be admitted tenant of his ſaid tenement, with " all its appurtenances, according to the ancient cuſtom of the barony of Ken- " dale called Tenant right.

" *Cuſtomary fines.* Item, that every ſuch perſon and perſons, upon his and " their admittance and allowance to be tenant or tenants of any tenements of " the ſaid Richmond lands, in any the places aforeſaid, and being an old " tenant before, is and ought to pay, at the exchange of lord and tenant, for " his or their fine or greſſome of his or their tenement, to the lord of the " ſame, or to his lawful deputy or officer, two years rent of the ſame tene- " ment with the appurtenances, whereof he or they ought to be admitted " tenant or tenants: Saving only every old tenant within the foreſt of Amyl- " ſide and Troutbecke; who is and ought to pay, at every exchange of lord " and tenant, one year's rent of his tenement. Item, that every ſuch perſon " and perſons, upon his and their admittance and allowance to be tenant or " tenants of any tenement of the aforeſaid Richmond lands in the places afore- " ſaid, and being made a new tenant, is and ought to pay, at the exchange " of lord and tenant, for his or their fine or greſſome of his or their tenement " or tenements, to the lord of the ſame, or to his lawful deputy or officer, " three years rent of the tenement or tenements whereof he or they is or ought " to be admitted tenant or tenants: Saving only every new tenant within the " foreſt of Troutbecke and Amylſide; who is and ought to pay, at every " exchange of lord and tenant, two years rent of his tenement, at cuſtomary " rent days.

" Item, that every ſuch tenant or tenants ſo admitted and allowed of any " tenement or tenements of the aforeſaid Richmond lands, is and ought to " pay their ſeveral annual *rents* of the ſame, at two term days in the year, by " equal and even portions, due and of old accuſtomed, to the lord of the ſame, " or his lawful deputy or officer.

" *Heriots.* Item, that at the deceaſe of every or any ſuch tenant or tenants " being ſo admitted and allowed, the lord of the ſame is and ought to have " the beſt beaſt being upon the tenement, of which beaſt the ſaid tenant or " tenants did die ſeiſed, as of his own proper goods and chattels, in the name " of the heriot; for which the wife and wives of ſuch tenant or tenants ſo " dying as aforeſaid is or ought to have the poſſeſſion and occupation of her " and their huſband's ſaid tenement or tenements, during her or their widow " eſtates; yielding and paying the ſeveral annual rents thereof, and doing all " other duties, ſuits, and ſervices, therefore of old time at days due and " accuſtomed.

" *Cuſtomary*

" *Cuſtomary allowances.* Item, that every ſuch tenant or tenants, ſo admitted and allowed as aforeſaid, is and ought to have, by the lord's lawful deputy or officer unto him or them to be delivered, ſufficient timber, to be taken within the ſame lands, for reparations of their buildings and other neceſſaries for huſbandry, ſo often as occaſion ſhall require. Item, that every ſuch tenant or tenants, ſo admitted and allowed as aforeſaid, is and ought to have and take all *Ramell woods* †, growing within any their ſeveral tenements, to the reparations and maintenance of their hedges and fences and other their neceſſaries; timber trees and coppyes of woods excepted.

" SERVICES:

" *Cuſtomary ſervices.* The jury aforeſaid find and preſent upon their book oaths, that every perſon and perſons, being admitted and allowed tenant or tenants of any tenements within any of the ſeveral places above ſpecified, from the age of 16 years till 60, hath been always accuſtomed, and ſo ſtill owe to be, at all times, in their moſt defenſible array for the wars, ready to ſerve their prince, on horſeback and on foot, at the weſt borders of England for anent Scotland, on their own proper coſts and charges, and ſo to be ready night and day, at the commandment of the lord warden of the ſaid weſt marches, being warned thereunto by beacon, fire, poſt, or proclamation; and there ſo to continue during the ſaid lord warden's pleaſure.

" Item, that every ſuch perſon or perſons, ſo being admitted and allowed tenant and tenants as is aforeſaid, owe unto the lord of the ſaid lands, at the court holden within the manor, lordſhip, or townſhip, where ſuch perſon or perſons is tenant and tenants, yearly lawful ſuit and ſervice, as heretofore hath been accuſtomed.

" ROYALTIES:

" *Court leet.* The jury aforeſaid find and preſent, upon their ſaid book oaths, that for the Richmond lands there be kept within the town of Kirkby Kendale a three weeks court and two leets in the year; *viz.* on Monday after the firſt Sunday after Eaſter, commonly called Low Sunday, and the week next after Michaelmas day. At which two leets and head courts the lands called Richmond lands find ſix freeholders to ſerve in the ſame, the Marquis lands find three freeholders for that quarter, and Mr. Alan Bellingham finds other three freeholders for his quarter of the barony; and that all ſuch fines, forfeitures, profits, and commodities, coming at the ſaid two head courts and leets, are divided and eſtreated unto all the ſaid quarters, *viz.* to the Richmond lands one moiety thereof, to the Marquis lands one quarter part, and to Mr. Bellingham one other quarter part.

" TOLLS AND STALLAGES.—Item, the ſame jury find and preſent likewiſe, that tolls and ſtallages of all the fairs and markets kept within the ſaid town of Kirkby Kendale, being all together of old time demiſed and let for the rent of 20 *l*, are likewiſe belonging and appertaining to the ſaid quarter

† Perhaps from the Latin *ramus*, a bough: It ſignifies little branches or loppings of trees cut off or blown down.

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" parts or quarter barons of the barony of Kendale aforeſaid, *viz.* to the " Richmond lands one moiety, to the Marquis lands one quarter part, and to " Mr. Bellingham one other quarter part.

" Fishings. Item, the ſame jury find and preſent in like manner, that " the fiſhing of the water of Kent, bearing the rent of old of 40 *s.* is likewiſe " belonging and appertaining to the ſaid quarter parts or quarter barons of " the barony of Kendale aforeſaid, and is divided unto them all by like pro- " portions as the profits of the ſaid two head courts."

Queen Elizabeth, in the 23d year of her reign, granted to Ambroſe earl of Warwick a part of the demeſne lands belonging to the caſtle, by the name of the Park of Kendal, with divers edifices, buildings, lands, tenements, and other premiſſes to the ſame appertaining: To hold in ſocage, as of the manor of Eaſt Greenwich.

What became further of the caſtle and other demeſne or park lands (for there were two parks, as was obſerved before) we have not found, until the reign of king Charles the ſecond, when the ſame appear to have been in the hands of Sir *Francis Anderton* of Loſtock in the county of Lancaſter, baronet. His ſon and heir Sir *Charles Anderton*, on his marriage with dame Margaret his wife, in 1685, ſettled the ſame to the uſe of himſelf for life, remainder to his firſt and other ſons in tail male, with divers remainders over. Sir *Charles* died in 1691, and left iſſue, *Charles*, *James*, *Laurence*, *Francis*, and *Joſeph*, and three daughters. *Charles* the ſon ſucceeded his father, and died without iſſue. Upon whoſe death, *James* entered, and died without iſſue. *Laurence*, the third ſon, became a monk. And thereupon *Francis* the next brother aſſumed the title, and poſſeſſed himſelf of the family eſtate; but being engaged in the rebellion in 1715, and taken priſoner at Preſton, he was tried and attainted of treaſon: He was pardoned as to his life, but the commiſſioners of forfeited eſtates ſeized all his real eſtate. And thereupon *Laurence* the monk claimed it, inſiſting before the commiſſioners that his brother had no right. *Laurence*, on his examination before the commiſſioners, confeſſing himſelf a monk, they decreed for the crown; for that by *Laurence*'s profeſſion he was dead in law, and by conſequence incapable to take, and therefore the eſtate muſt immediately veſt in the brother, who being attainted of treaſon, the eſtate muſt be forfeited. And thereupon a decree was made for the king; from which *Laureuce* appealed to the Delegates, who reverſed the decree ſo far as to order that the appellant might bring an ejectment, and try his title at law, and that the decree ſhould not ſtand in the way. But afterwards *Laurence* conformed, and became a proteſtant, and ſo enjoyed the title and eſtate without any further trial. In 1723, *John Huggins* eſquire purchaſed the premiſſes of the ſaid *Laurence*. And the ſaid *John Huggins* dying in 1735, the ſame deſcended to his brother and heir *William Huggins* eſquire. Which *William Huggins*, by his will in 1761, deviſed the premiſſes to his two ſons in law, Sir *Thomas Gatehouſe* knight, and the reverend Dr. *James Muſgrave*, in truſt to ſell the ſame for the purpoſes in the ſaid will mentioned; who accordingly ſold

the premiſſes in the year 1765 to the preſent owners *Thomas Holme* and *James Dowker* of Kendal, eſquires, and *Benjamin Hall* of Newton in the pariſh of Cartmell, gentleman.

As to the reſt of the Richmond and Marquis fees, king *James* the firſt, in the 12th year of his reign, granted the ſame to his ſon *Charles* prince of Wales, for the better maintenance and ſupportation of his princely eſtate. And in this prince's time there was a decree in chancery, aſcertaining the cuſtoms of the ſeveral manors within the Richmond and Marquis fees. The hiſtory of which is curious and important, not only with reſpect to theſe particular manors, but to other manors in the ſeveral counties of Weſtmorland and Cumberland, and even to the publick affairs of the nation in general at that time. And therefore it is hoped the reader will indulge us in going to the bottom of this affair, and deducing the ſame according to the materials now in our power, ſeveral of which, at this diſtance of time, and eſpecially by reaſon of the confuſions that enſued, are probably not to be met with elſewhere.

It is well known, that king James, after he had formed the reſolution of laying aſide parliaments, was diſtreſſed for want of money, and took all methods that he or his courtiers could contrive for the obtaining of it. One ſcheme, amongſt the reſt, was, to take all the crown lands in the counties of Weſtmorland and Cumberland into his own hands, upon the pretence, that as border ſervice had then ceaſed by the union of the two kingdoms in his royal perſon, the eſtates were determined likewiſe, which the tenants held by that ſervice. And (to keep himſelf in countenance, as it were) he encouraged all the other lords of manors within the ſaid counties to take to themſelves the abſolute eſtate of the ſeveral tenants within their reſpective manors, and refuſe to admit the heirs to their anceſtors eſtate.

In conſequence of this doctrine, the prince of Wales, in the 16th year of the ſaid king, exhibited his bill in chancery, complaining, that the tenants claimed by colour of a tenant-right eſtate, under certain yearly rents, to have an eſtate of inheritance in the reſpective tenements; whereas it was conceived, that their eſtates in the premiſſes were of no ſuch force in law as they pretended. The tenants put in their anſwer. But from the hazard of conteſting with the king, who had the judges both of law and equity, in a conſiderable degree, at his devotion, and Sir Francis Bacon lord Verulam preſiding then in the court of chancery (who, notwithſtanding his greatneſs in other reſpects, was as tame, ſubmiſſive, and obedient to orders, as any courtier could be), and at the ſame time, a good round ſum in hand appearing to be not unacceptable to the prince, the matter was compromiſed, and for the ſum of 2700 l. he agreed to confirm unto them their cuſtom, as ſet forth in their anſwer: Which was in theſe words,——"That they and their anceſtors, and all thoſe whoſe eſtates they "ſeverally and reſpectively had or claimed to have in the ſeveral meſſuages, "lands, tenements, meadows, paſtures, cloſes, improvements, milnes, woods, "moſſes, commons, graſſings, and other hereditaments, with the appurte-"nances, had, from time whereof the memory of man was not to the con-"trary, been ſeverally ſeiſed to them and their heirs, of a good and lawful

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" cuſtomary eſtate of inheritance, to them and their heirs reſpectively, com-
" monly called tenant-right, according to the cuſtom of the barony of Kendal
" and lands called Richmond Fee and Marquis Fee, in the ſeveral lordſhips,
" towns, hamlets, and places following; *viz.* Greſmere, Langdall, Lough-
" rigg, Clapperſgate, Rawthy bank, Ambleſide, Briggraſſe, Troutbecke,
" Hallinge, Applethwaite, Undermilbecke, Windermere, Winſter, Hugill,
" Riſton, Riſton meadows, Over Staveley, Nether Staveley, Strickland Ro-
" ger, Laithead, Strickland Ketel, Garnett houſe, Mirkſlacke, Helſington,
" Greenrigg, Underbarrow, Grigghall, Brathwaite cloſe, Crooke, Croſthwaite,
" Lyth, Cawmire, Sipling meadows, New Hutton, Hay, Hutton in the
" Hay, Skalthwaite Rigg, Nethergraveſhip, Gilthwaite Rigge, Greenhead,
" Caſterton, Kirkby Kendal, Long Sleddall, and Sadgill, and elſewhere in
" the barony of Kendal. Which their cuſtomary inheritance is deſcendible
" after the courſe of deſcents at common law; ſave only where a cuſtomary
" tenant dieth, having no heir male of his body, his cuſtomary lands deſcend
" to the eldeſt daughter, ſiſter, or couſin, and not to all the daughters, ſiſters,
" or heirs female, as coparceners. For which premiſſes they had been accuſ-
" tomed to pay certain yearly rents or fines, namely, two years old rent only
" for a fine certain, upon change of lord by death, and three years old rent
" only for a fine upon change of every tenant by death or alienation: Except
" the tenants of Ambleſide and Troutbeck aforeſaid, who paid fines certain,
" *viz.* one year's rent upon change of lord by death, and two years rent upon
" change of tenant by death or alienation. And upon the death of every
" tenant dying ſeiſed of a tenement, leaving a widow behind him, an heriot;
" for which ſhe was to enjoy her huſband's cuſtomary eſtates, during her wi-
" dowhood only. And alſo by all the time aforeſaid, they the ſaid tenants,
" by the cuſtom of the ſaid barony reſpectively, had yearly made ſuit to the
" ſeveral courts holden for his highneſs's ſaid barony and lands called Rich-
" mond Fee and Marquis Fee, where they were and are called tenants, and
" being found by the jury, and paying their God's-penny for their ſeveral en-
" tries, were and are admitted tenants, and entered in the court rolls upon
" every ſuch charge as tenants, upon ſuch fines as aforeſaid paid reſpectively."
And on the 14 Nov. in the 17th year of the ſaid king, it was decreed ac-
cordingly, " that they ſhall hold and enjoy all the premiſſes aforeſaid, and all
" other eaſements, profits, commodities, and hereditaments, with the ap-
" purtenances whatſoever; together with all their ancient cuſtoms, uſages,
" and liberties, to them, their heirs and aſſigns for ever: Yielding and pay-
" ing the ſaid fines, heriots, ſuit of court, and ſervices aforeſaid; and being
" ſubject to ſuch other cuſtoms as in his highneſs's ſaid barony, and the ſeveral
" manors or lordſhips and lands within the ſame, have been anciently uſed and
" accuſtomed."

But as to the other manors, the matter did not reſt here; but the lords in ſeveral places ejected the tenants, and decrees both in chancery and in the exchequer were obtained againſt them. The tenants ſtill would not ſubmit. Though the ſervice had ceaſed, the Border ſpirit remained. And they combined to defend each other even by force, if no other courſe ſhould be effectual.

Particularly,

Particularly, on the 2d of January following, there was a meeting at Staveley, by order of James Smith high conſtable, under colour of viewing a bridge; where they came to the following reſolutions:

" We, and every of us, whoſe names are hereunder ſubſcribed, having " taken into conſideration the danger of the times, do therefore, for ourſelves, " our heirs, executors, and adminiſtrators, ſeverally agree, covenant, aſſume, " and promiſe unto and with each other, to obſerve and perform in every re- " ſpect, part, and behalf, all and every article, clauſe, matter, and thing " hereafter expreſſed, according to the true meaning of the ſame; *viz.*

" 1. That we and every of us, as in conſcience we are bound, will ſtand to " the general proteſtation by us taken, to the utmoſt of our and every of our " abilities in every point.

" 2. Alſo, that to the utmoſt of our power we and every of us, at all times " hereafter, will defend our own perſons, families, and eſtates, and the per- " ſons, families, and eſtates one of another, as far as lawfully we may.

" 3. Alſo, if any perſon or perſons ſhall plunder, or go about in violent " manner, without due courſe of law, to take away the perſons, families, or " goods of any of us; it ſhall be reputed as done unto all of us: And that " upon notice given thereof to us, and every or any of us; every man, having " notice, and able to do ſervice, ſhall and will, with all ſpeed and expedition, " repair to the perſons or places ſo plundered, pillaged, or reſtrained of their " liberty, and ſhall to our utmoſt power reſcue ſuch perſons and goods.

" 4. Alſo, that if any of our goods or eſtates, real or perſonal, ſhall hap- " pen to be violently taken away contrary to law as aforeſaid, if ſatisfaction " cannot be gotten out of them who ſo took them, the loſs thereof ſhall be " equally born, and reſtored to them ſo plundered, by us all who have here- " unto ſubſcribed, who ſhall be equally rated according to every man's abi- " lity, by ſuch perſons or committees in every town, hamlet, and village, as " ſhall be agreed upon by the more part of us or them who have ſubſcribed " to theſe preſents, according to the true meaning hereof."

And they choſe one Samuel Knipe to be their agent and manager. They preſerred a petition to the king, to be allowed their cuſtom of tenant-right. They alſo procured a bill to be brought into the houſe of commons for the ſame purpoſe; which bill was rejected by the commons. And on the 28th of July following, the king publiſhed the following proclamation:

" By the King,

" A Proclamation againſt Tenant rights.

" WHEREAS it hath been oftentimes by decrees and judgments at law " declared and ſettled, that tenant rights ſince the moſt happy union of theſe " two renowned kingdoms of England and Scotland in our perſon are utterly, " by the ancient and fundamental rule of law of this our own kingdom of " England, extinguiſhed and aboliſhed, being but dependencies of former " ſeparation and hoſtility; and that there is like ſettled rule and conſtant

" practice

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" practice in Scotland ſince the union; and yet nevertheleſs divers ſuits are " continually raiſed and proſecuted in our courts of juſtice here in England, " grounded upon the ſaid claim of tenant-right or cuſtomary eſtate of inhe- " ritance, under that pretence, whereby not only the memory of the ſaid " tenant-right is continued, which ought to be damned to a perpetual obli- " vion, but alſo both parties do ſuſtain needleſs charge and impoveriſhment, " in queſtioning of that which is beyond all diſpute, which may alſo (in re- " gard of combination of tenants, and general taxes to purſue their landlords " upon a common purſe) open a way to turbulent and ſeditious attempts: " We, out of our princely and never-intermitted care to avoid theſe main- " tainings aforeſaid, have both recommended the matter to all our judges, " to ſuppreſs and ſurceaſe ſtrifes and ſuits of this nature, and have alſo given " an expreſs charge and commandment to all the principal officers and mini- " ſters of ourſelf and our deareſt ſon the Prince (near or bordering upon Scot- " land where ſuch tenant-rights have been claimed) that they do let all eſtates, " whether for lives or years, be it for fine or improvement of rent, by inden- " ture only, and not otherwiſe, to the end to ceaſe and diſcontinue the ſaid " claim. And further, to the end the ſame courſe may be uniform and ge- " neral amongſt all our loving ſubjects; We do by theſe preſents wiſh and " expect from all our loving ſubjects in thoſe parts, that they ſhall follow and " conform themſelves to the ſame example, for leaſing ſuch lands in manner " aforeſaid. But herewithal we do ſtrictly command, that no entry in any " court roll hereafter, either of our own honours or manors, or of the Prince's, " or of any of our ſubjects, do mention any eſtate termed of tenant-right or " cuſtomary eſtate pretended for border ſervice. On the other ſide, our ex- " preſs pleaſure is, that good and dutiful tenants, who ſhall willingly ſubmit " themſelves to ſuch eſtates, be uſed with all favour and moderation, as we " doubt not but the landlord will do: Yet if any ſhall be found to do the " contrary, our courts of equity ſhall ever be open, and ready to over-rule " ſuch landlords; as, on the other ſide, both our courts of law and equity " ſhall be, to bridle and eject all ſuch unreaſonable tenants as ſhall with- " ſtand it.

" Given at our court at Charlton, the 28th day of July, in the 18th year " of our reign of Great Britain, France, and Ireland, 1620.

" God ſave the King."

We have recited this proclamation *verbatim*, as it is perhaps one of the moſt flagrant exertions of deſpotiſm that is to be met with in the Engliſh hiſtory. However, the tenants did not deſpond. They drew up and publiſhed a remonſtrance againſt the claim of the lords; complaining therein, that the landlords intended " to pull the ſkins over their ears, and bray their bones " in a mortar: That having peaceably enjoyed their tenements ſo long, it " would be hard that ſome greedy eagle or devouring vulture ſhould violently " pull them out to miſeries. The poor bird and weaker cattle" (ſay they) " are taught and encouraged, for maintenance of their ancient poſſeſſion, to " reſiſt others even to death, though more able and ſtrong by far than they " are."

" are." And it was a common ſaying amongſt them—" If the devil be lord, " I'll be tenant."

Upon this, the lords exhibited a bill againſt them in the ſtar-chamber for a libel; the minutes for the draught whereof were in theſe words:

" The names of the perſons againſt whom the bill is to be drawn for the libel " for tenant-right:

" Anthoine Wedtherell, vicar of Kirkby Stephen, to be charged with the " making of the libel.

" Samuel Knipe, James Smithe, John Cartemell, Thomas Pricket, John " Beck, Rowland Harriſon, Robert Mawſon, Francis Waſhington, Edward " Tarne, and many other unknown perſons to the number of one hundred or " above, to be charged with a riotous aſſembly at Stavely chapel in the county " of Weſtmorland, the 2d of January 1620: And there the ſaid libel firſt read " and divulged by the ſaid Knipe; and ſo immediately after, read and pub- " liſhed by the reſt, and put forth, and many copies made thereof.

" James Smith the high conſtable to be further charged, for ſummoning " the petty conſtables.

" Robert Rawes, William Ducket, Francis Waſhington, Thomas Waſh- " ington, Edward Tarne, Rowland Harriſon, Richard Helme, Arthur Briggs, " and many others, for combining and making a common purſe.

" Principal actors in the ſtage plaie, Richard Helme, Henry Ward, and " Thomas Ducket."

Againſt the aſſizes in the next year, a letter was written by the king to the biſhop of Carliſle (and the like probably to ſome other principal perſons in the country) as followeth:

" JAMES *Rex.*

" Right truſty and right well beloved, we greet you well.—Whereas we " were pleaſed to declare our princely care which we had of our ſubjects and " of the public good and quiet of theſe our kingdoms, by our proclamation " againſt tenant-right ſet forth in the 18th year of our reign; and that not- " withſtanding our favour and moderation in that uſed towards dutiful and " good tenants, we have underſtood that ſome tumultuous and evil diſpoſed " perſons have in thoſe parts not only uſed liberal ſpeeches, but made unlaw- " ful aſſemblies, and publiſhed ſeditious libels, in maintenance of their ſaid " pretended cuſtom of tenant-right, to veil it under the name of cuſtomary " eſtate of inheritance, the puniſhment of ſome of which their offence, though " it be proſecuted in a due courſe in the Star-chamber; nevertheleſs, we " foreſeeing what inconvenience may in the mean time happen, if care be not " had to ſuppreſs the inſolency of ſuch people, have now again given ſtrait " charge and command to our judges of aſſize for thoſe counties, in all their " proceedings to hold themſelves ſtrictly to the tenor of our proclamation, " and by no means to give countenance to any eſtate claimed to be of cuſ- " tomary, which ſhall any way appear to have reference to the maintaining " of border ſervice, or where the parties themſelves or thoſe from whom they " claim

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" claim have been tied to border ſervice, and that accordingly they make the " people generally to underſtand it, without giving any hope to the contrary " (which we thought good to intimate to you) that you may confer with the " judges about the ſame, and that in your actions both you and they proceed " in conformity to theſe our directions. And if any thing ſhall be practiſed " to the contrary, we require you to give us preſent notice of it, who expect " at your hands a ſtrait account of your proceedings herein.

" Given at our court at Whitehall, the 26th day of July, in the 20th year " of our reign of England, France, and Ireland, and of Scotland the 55th.

" To the reverend father in God our truſty and right " well beloved the lord biſhop of Carliſle."

The aforeſaid remonſtrance of the tenants was rather warm than judicious; deriving their title from king Brute, with other like abſurdities; never touching upon the diſtinction (which undoubtedly is the proper and true one) that they held their eſtates by a double tenure, namely, by border ſervice in particular, and moreover by the general military tenure by which all other tenants *in capite* were obliged. And there are abundance of inſtances, when at the ſame time that they were ſubject to be called to the border ſervice, they were required to attend their lord in a military capacity into other parts of the kingdom, and not ſeldom into France.

But what the event was in that arbitrary court of the Star-chamber, the reader (no doubt) will have the curioſity to inquire. And as to that, a copy of the record will give ample ſatisfaction; which is as follows:

" In Camera Stellata coram conſilio ibidem, ſeptimo die Novembris, anno " viceſimo primo Jacobi regis.——This day, as alſo the laſt ſitting day, were " ſpent in opening and hearing of the matters of complaint here exhibited by " Mr. Attorney General plaintiff, againſt Samuel Knipe, James Smith, John " Cartmell, Thomas Prickett, John Robertſon, Humphrey Bell, Thomas " Lucas, and Richard Helme, defendants, for unlawful aſſemblies, and pub- " liſhing a libellous book, and other contempts and practices to oppoſe his " majeſty's proclamation for aboliſhing of the tenure and name of border ſer- " vice in the county of Weſtmorland. Upon the opening of which cauſe, " and ſome depoſitions read, of the plaintiff's part only, it appeared to the " court, that the king's moſt excellent majeſty publiſhed his proclamation.—And ſo ſetting forth the ſubſtance of the proclamation, the record goes on: " For the contempt and neglect of which ſaid proclamation, and many miſ- " demeanors to maintain the tenants in their ſaid oppoſition, his majeſty's at- " torney general hath exhibited this information againſt the defendants and " divers other tenants of certain tenant right and cuſtomary eſtates, charging " them with ſundry combinations and attempts to oppoſe the ſaid proclama- " tion. Unto which the ſaid defendants plead and anſwer, that they hold " their lands and ſeveral tenements by cuſtomary eſtate of inheritance, deſcend- " able from anceſtor to heir, by the payment of cuſtomary fines, heriots, rents, " boons, and ſervices, and not by border ſervice; and have pleaded *Not* " *guilty*,

" *guilty* to the ſeveral miſdemeanors charged by the information. Whereupon " the court conceived, that the matter of title will much aggravate or extenuate the criminal offence therein complained of, if any ſuch be. And the " court taking it into gracious conſideration, that the ſame concerned many " poor people, thought it convenient for the eaſe, peace, and quiet of the " country, that the ſaid differences between the landlords and tenants of the " country, concerning the ſaid tenant right or cuſtomary eſtate, ſhould be conſidered by the lords judges, to ſettle the ſame between them, if it may be; " and if they ſhall by mediation end that part, and the tenants appear before " them to be peaceable and well diſpoſed to quietneſs, then the court doth " incline, upon the judges certificate, to refer likewiſe unto them the compounding of the miſdemeanors, which as yet doth remain in the conſideration and cogniſance of this court. And for that purpoſe, the court hath " reſpited the further hearing of the cauſe in the mean time. And therefore " the court hath ordered, that the lord chief juſtice of the king's bench, " the lord chief juſtice of the common pleas, Mr. juſtice Hutton, and Mr. " juſtice Chamberlaine, (all now preſent) ſhall call the parties before them, " both landlords and tenants, and ſuch whom it may concern, and conſider " of the title and claim of both ſides, and to mediate and ſettle a final end, " rule, and order therein, if they can, that there may be an abſolute peace, " agreement and quietneſs hereafter amongſt them: And for default thereof, " to certify the court of their opinions and judgments therein; that then the " court may proceed to take ſuch further conſideration of the criminal offences here complained of, as cauſe ſhall require." (And this accounts for the ſpecial charge given by the king to his judges againſt the next aſſizes, as ſet forth in his letter to the biſhop of Carliſle above recited.) Then the record goes on,—" Camera Stellata 19mo Junii, 1625." (Note, king James was then dead.) " The certificate of the right honourable James lord Lee lord treaſurer of England, Sir Henry Hobart knight and baronet lord chief juſtice " of his majeſty's common pleas; between the king's attorney plaintiff, and " Samuel Knipe and others defendants: According to two ſeveral orders of " this honourable court, the one bearing date the 17 Nov. 21 Ja. and the " other bearing date the 22d day of May laſt paſt; we did by three ſeveral " letters require the lords and tenants of the ſeveral manors of the barony of " Kendal mentioned in the ſaid orders, to come before us at certain times by " our ſaid letters appointed; at which ſeveral times the ſaid tenants by ſome " authorized for them always appeared, but of the lords none appeared, nor " gave anſwer to us, neither by themſelves nor by any other, ſaving only Sir " James Bellingham knight and John Preſton eſquire, for whom we heard " Mr. Downes, being of their counſel; Sir Henry Bellingham, ſon and heir " of the ſaid Sir James Bellingham, authorized by his ſaid father, being alſo " preſent; and Samuel Knipe and John Cartmell, two of the tenants on the " behalf of themſelves and all other the ſaid tenants being authorized for that " purpoſe, with whom Mr. Holt was of counſel, being likewiſe preſent: " Whereupon we thought good to proceed with them and for themſelves, " according to the ſaid orders. In the handling of which ſaid cauſe we find

CHAP. III.

" plainly, that the caſe of all the ſaid lords and tenants in all the ſaid manors " is in effect the ſame. The queſtions between them concerning their eſtates " being but two; the firſt, Whether the ſaid eſtates themſelves, which they " hold, be ſufficient cuſtomary eſtates in law, deſcendable from anceſtor to " heir? the ſecond, Whether the fine payable to the lords upon death or alien- " ation of the tenants, and alſo upon death of the lords (for in that caſe alſo " theſe tenants pay fines), be certain, or arbitrary at the will of the lord? And " upon hearing of this cauſe, and the allegations and proofs of both ſides, we " are of full opinion, that the eſtates of the tenants are eſtates of inheritance " at the will of the lord, deſcendable from anceſtor to heir, according to the " ſeveral cuſtoms of the ſeveral manors whereof they are holden; as the copy- " hold eſtates of inheritance in theſe parts are, though they want divers for- " malities that are uſed in copyholds in theſe parts; as they have alſo ſome " cuſtoms that are not uſed here, as in fining upon death of the lord, which " is very beneficial to their lords, and is not uſed in theſe parts. And though " it be true, that theſe tenants did border ſervice in former times; yet we are " of opinion, upon all that we have ſeen, that the border ſervice was no ſpe- " cial part of their ſervices reſerved, or in reſpect of the tenure of their lands, " but a duty and readineſs required of them to tend thoſe occaſions, as the " lords themſelves and all other freeholders, great and ſmall, of the whole " country, did and ought to do, by virtue of their allegiance and ſubjection; " not by order and direction of their lords, but of the lord warden of thoſe " parts. Neither was there ever any mention of their border ſervice in their " admittances or other entries touching the ſaid eſtates; and we think fit that " for ever hereafter there be no mention of tenant right or border ſervice in " any admittances or other writings or incidents of this kind, but a perpetual " oblivion made thereof according to the meaning and preſcript of his maje- " ſty's proclamation in that behalf. And touching the matter of fines, whe- " ther the ſame be arbitrary or no, beeauſe we conceive that point not to be " directly referred unto us by the ſaid orders, we forbear to deliver any opi- " nion of it; and yet nevertheleſs, becauſe it appears by the ſaid orders, that " the court has a deſire to ſettle an univerſal peace betwen the lords and te- " nants being very many and poor, and that we conceive, if this point be " left at large ſtill as it is now, it will breed endleſs ſuits amongſt them, and " leave them at no more quiet than they were before; we have thought fit " to move this honourable court, to recommend the ſettling of the fines at " ſome certain rate, either to ſome court of juſtice, or other way of mediation, " as ſhall ſeem good to their great wiſdom."——Afterwards: " In Camera " Stellata coram conſilio ibidem viceſimo nono die Junii anno ſecundo Caroli " regis—This day Sir Heneage Finch knight, recorder of London, of counſel " with Samuel Knipe and other the tenants of the ſeveral manors of the ba- " rony of Kendal defendants, at the ſuit of his majeſty's attorney general, " informed this honourable court"—of the ſaid certificate, ſetting forth the ſubſtance thereof; " and thereupon humbly prayed the confirmation of the " ſame certificate, concerning the point of the ſaid tenants cuſtomary eſtates, " by the decree of this court, and the further direction of this honourable

" court

" court concerning the determination of the ſaid other point of the ſaid " fines. Whereupon the court hath ordered and decreed, that the point of " the tenants cuſtomary eſtates of inheritance be abſolutely ratified, confirmed, " and for ever ſettled, according to the tenor and intent of the ſaid certificate: " And that the counſel learned both of lords and tenants of thoſe ſeveral " manors do attend this honourable court, upon the fourth ſitting day after " All Saints Day in the next term, for the ſettling of the rates of the fines " likewiſe, as to equity and juſtice ſhall appertain *."

What was further done about aſcertaining the fines, doth not appear. Probably nothing further was done. But in many of the manors in this county (as appears by the ſeveral dates) compoſitions were made about that time between the lords and tenants, for reducing the tenements to a fine certain. And in ſeveral of the compoſitions, which were made *flagrante bello*, as it were, during the time of king James, (who ſeems to have been in effect both judge, jury, plaintiff, and counſel in the cauſe) there are clauſes aſſuring and confirming to the tenants their eſtates, deſcendable from anceſtor to heir, as if the ſame before had been nothing but a pretence.—Others purchaſed their tenements to freehold.

——But to proceed with the Marquis and Richmond Fees.

King Charles the ſecond granted the ſame in jointure to his wife queen Katherine, and from her they received the name of QUEEN'S LAND; and not from queen Katherine, wife of king Henry the eighth, for ſhe never had them, her father and brother enjoying the Marquis Fee all her time, and the Richmond Fee being then in grant to others.

In the 28 Cha. 2. a rental was made of theſe fees by Sir John Otway, deputy ſteward of the queen, and a jury of the reſpective fees, containing the names of the tenants within the ſeveral manors, and their reſpective rents.

In the Marquis Fee:

They ſet down the free and other dry rents of the ſeveral tenants throughout the ſaid Fee, amounting in the whole to 20*l* 17*s* 4½*d*. Amongſt the reſt, there are ſeveral Items for lands in Great and Little Strickland, and Boredale in the pariſh of Barton.

	l.	*s.*	*d.*
Burgage rents in Kendal	9	17	11
Cuſtomary rents in and about Kendal	4	0	0
Cuſtomary and other dry rents in			
Graſmere	11	6	2
Langdale	5	4	11
Underbarrow	20	8	1
Stavely and Hugill	9	3	7½
Overknots, or Nethergrave ſhip	10	16	8
Skalthwaite Rigge	12	5	0¾
Hay	13	3	3
Hutton in the Hay	8	18	2½
Strickland Roger	13	14	11
Greenhead	10	16	10
Hugill	3	19	9
Croſthwaite	0	15	0

* From an exemplified copy taken out by Samuel Knipe, James Smith, John Cartmell, Thomas Prickett, John Robertſon, Humphrey Bell, Thomas Lucas, and Richard Helme, bearing date 28 July, 2 Cha.

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In the Richmond Fee:

Free and other dry rents of ſeveral tenants throughout the ſaid fee, 36*l* 10*s* 8¾*d*. Amongſt the reſt there is a charge for certain lands in Thrimby.

Cuſtomary and other dry rents in

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Greſmere - - -	11	11	3	Croſthwaite and Lyth	19	3	7
Langdale - - -	7	12	5¼	New Hutton - - -	10	9	9½
Loughrigg - -	2	16	1	Caſterton - - -	12	9	4
Ambleſide - -	26	17	0	Strickland Ketel and Helſington - - -	3	10	10
Undermilbeck - -	13	8	0	Thornton, Weſthouſe, and Mayſinghill - - -	12	14	10
Troutbeck - - -	27	0	10				
Applethwaite - - -	24	10	10½				
Fiſhing and ferry of Windermere water - -	6	0	0				

After the deceaſe of queen Catherine, they were granted to the Lowther family, in which family they ſtill continue by a renewal of the leaſe from his preſent majeſty to Sir James Lowther baronet.

CHAPTER IV.

Of the LUMLEY FEE.

HAVING thus deduced the *Richmond* and *Marquis Fees*, which comprehend near three fourths of the ancient barony of Kendale; we proceed to inveſtigate the remaining part, moſt of which goes by the name of the LUMLEY FEE.

From *Margaret* the eldeſt of the four ſiſters of the laſt *Peter de Brus*, we have deduced the *Marquis Fee*.

The ſecond ſiſter and coheir was *Agnes*, married to *Walter de Fauconbridge*. She had nothing in Weſtmorland; her whole ſhare being in Lancaſhire and Yorkſhire.

The third ſiſter and coheir was LUCY, who had for her ſhare what is now called the *Lumley fee*. She was married to MARMADUKE DE THWENG, lord of Kilton caſtle and THWENG, with divers other manors in Yorkſhire, Lancaſhire, and Weſtmorland.

They had a ſon, MARMADUKE DE THWENG; who in the 3 Ed. 2. together with his couſin-german *William de Roſs*, obtained a grant of a market and fair at Kirkby in Kendale. He died in the 10 Ed. 2. ſeiſed, as the inquiſition finds, of the fourth part of the barony of Kendale.

He was ſucceeded by his ſon WILLIAM DE THWENG, who in the 2 Ed. 3. obtained a grant for a market at Staveley on Friday weekly, and a fair yearly on the eve, day, and morrow of St. Luke. And in the 9th of the ſame king, he obtained a grant of free warren in Stavely. He died in the 14 Ed. 3. and by the inquiſition taken after his death, it appears what was then the *Thweng* ſhare of the barony. Which inquiſition is as follows:

"An

" An inquiſition taken at Kirkby in Kendale, before Thomas de Metham " eſcheator of our lord the king in the counties of York, Northumberland, " Cumberland, and Weſtmorland, on Saturday being the feaſt of St. Hilary, " in the 14th year of the reign of Edward the third after the conqueſt, by the " oath of Matthew de Redman, Robert de Layburn, Simon de Gnype, John " de Patton, Walter de Schepeſheved, Robert de Romondeby, Roger de " Kendale, Benedict Garnet, Alan de Kaberghe, John de Shepeſheved, John " de Tonſtal, and Adam de Stanyford; who ſay upon their oath,

" That *William de Thwenge* held in his demeſne as of fee, on the day on " which he died, the manor of *Helſington* with the appurtenances, together " with certain lands and tenements in *Kirkeby in Kendale*, *Croſſthwait*, *Stavely*, " *Sapgill*, *Hugill*, *Reſpton*, *Greſmer*, and *Langden*, to the ſame manor apper- " taining, of our lord the king *in capite* as of his crown, by the ſervice of a " moiety of three parts of one knight's fee, and by the ſervice of doing ſuit " at the county court of Weſtmorland from month to month.

" And there is at *Helſington* the ſite of one capital meſſuage, which is worth " nothing by the year, becauſe it is altogether waſte.

" And there is there of the rent of free tenants and tenants at will by the " year 15*l* 0*s* 8*d* at the terms of Martinmaſs and Pentecoſt.

" And there is at *Croſſetwait* of the rent of free tenants and tenants at will " by the year 13*l* 16*s* 0*d* at the ſame terms.

" And there is at *Stavely* and *Sapgil* of the rent of free tenants and tenants " at will by the year 8*l* 0*s* 0*d* at the ſame terms.

" And there is at *Stavely* a certain park, the herbage whereof is worth by " the year in ſummer 53*s* 4*d* and nothing in winter.

" And there is there one fulling mill, and it is worth by the year 10*s*.

" And there is at *Hugill* and *Reſpton* of the rent of free tenants and tenants " at will by the year 9*l* at the terms aforeſaid.

" And there are at *Reſpton* 7 acres and 1 rood of meadow, which are worth " by the year 29*s*.

" And there is there one water mill, which is worth by the year 30*s*.

" And there are at *Greſmer* and *Langden*, of the rent of free tenants and te- " nants at will by the year 12*l* at the terms aforeſaid.

" And there is there a certain fiſhery called the *Fors*, which was wont to " pay by the year 36*s* 8*d*, and now is worth by the year only 20*s*.

" And there is there a certain paſture called the *Hay*, the herbage whereof " in ſummer is worth 12*d*, and nothing in winter.

" And there is there a certain paſture called *Moſertwayt*, the herbage where- " of is worth in ſummer 2*s* 6*d*, and nothing in winter.

" And there is a certain fiſhery called the *Keent*, and is worth by the year 2*s*.

" And there is a certain herbage called *Wodmale*, and is worth by the year in ſummer 12*s* 2*d*, in winter nothing.

" And there is there a certain place called *Roger Holme*, the rent whereof " by the year is 6*s* 8*d* at the feaſt of the nativity of St. John Baptiſt for the " whole year.

" And

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" And there is at *Kirkeby in Kendale* of the rent of free tenants by the year " 6*l* at the terms of Eaſter and Michaelmaſs.

" And there is there a certain fee farm iſſuing out of divers free tenements " in *Kendale* and elſewhere in the county of Weſtmorland of 60*s* by the year, " at the ſame terms of Eaſter and Michaelmaſs.

" Alſo they ſay, that the perquiſites of court in the manor and tenements " aforeſaid are worth by the year 6*s* 8*d* and no more, by reaſon of the po- " verty of the tenants.

" Alſo they ſay, that the ſaid *William* held no other lands or tenements on " the day on which he died, in the ſaid county of Weſtmorland.

" Alſo they ſay, that *Robert de Twenge*, parſon of the church of Warton, " brother of the ſaid *William*, is his next heir, and of the age of 40 years and " upwards.

" In witneſs whereof, the jurors aforeſaid to this inquiſition have ſet their " ſeals."

ROBERT DE THWENG therefore, parſon of the church of Warton aforeſaid, ſucceeded his brother *William*. Which *Robert* died in the 18 Ed. 3. ſeiſed of the premiſes aforeſaid, THOMAS DE THWENG, parſon of the church of Bethom, being his brother and heir.

This THOMAS DE THWENG died in the 48 Ed. 3. having three ſiſters coheirs; the youngeſt of whom had no portion in Weſtmorland; the other two ſiſters, LUCY and MARGARET, had this *Tweng* ſhare of the barony between them.

LUCY, the eldeſt of the three ſiſters, was married to MARMADUKE DE LUMLEY, and from hence came the denomination of the LUMLEY FEE. She had for her part the manors of *Helſington*, *Croſthwaite* and *Lyth*, and one fourth part of the town of *Kirkby in Kendale*, together with the turbary of *Sampool*.

This *Marmaduke de Lumley* ſeems to have been ſucceeded by RALPH DE LUMLEY; for in the 6 Hen. 4. one fourth part of the manor of Kirkby in Kendale was taken into the king's hands by the death of *Ralph de Lumley* knight, and by reaſon of the minority of *Thomas Lumley* ſon and heir of the ſaid *Ralph*. And it was found that *John de Lumley* was brother to the ſaid *Ralph*.

THOMAS DE LUMLEY, ſon and heir of *Ralph*, died without iſſue, and was ſucceeded by

JOHN DE LUMLEY knight (his uncle); which *John* died in the 10 Hen. 5. ſeiſed (as the inquiſition finds) of one eighth part of the manor of Kirkby in Kendale, *Thomas* his ſon and heir being then under age.

Concerning which *Thomas*, by an inquiſition of knights fees in Weſtmorland in the 6 Hen. 6. it was found, that THOMAS LUMLEY then in ward to the king, ſon and heir of *John Lumley* knight deceaſed, held of the king *in capite* a moiety of all thoſe lands and tenements in Kendale, which ſometime belonged to *Thomas de Thweng* who was parſon of the church of Betham, by the ſervice of one fourth part of one knight's fee; and that *Walter Pennardine* and *John Ellerker* held of the king *in capite* the other moiety, which formerly be-

longed to the ſaid *Thomas de Thweng*, by the ſervice of the eighth part of one knight's fee: And that *Thomas de Stirkland* knight held the third part of a knight's fee of the ſaid *Thomas Lumley*, in Helſington, Haverſham, Burton, Lowther, Whale, Hackthorp and Stirkland Ketel.

In the 6 Hen. 8. John Fleming of Ridal eſquire, eſcheator for the king in the counties of Cumberland and Weſtmorland, accounted that year in the exchequer for 115*l* 17*s* 7*d* of the iſſues of the manors of Kirkby in Kendale, of which GEORGE LUMLEY knight was ſeiſed; and for £224*l* 9*s* 10¾*d* of the iſſues of the moiety of the barony or lordſhip of Kendale (viz. the Richmond fee) of which the ſaid king was ſeiſed.

Finally, JOHN LORD LUMLEY in the 23 Hen. 8. exchanged his part of the barony with the king, for certain lands in the South. And the ſaid king granted the ſame, together with the Richmond fee aforeſaid, to his natural ſon the duke of Richmond and Somerſet; on whoſe death, the ſame came again into the hands of the king, who in the 36th and 37th years of his reign granted the ſame to ALAN BELLINGHAM eſquire and his heirs, in as large and ample manner, as the duke of Richmond and John lord Lumley or any of his anceſtors held or enjoyed the ſame.

MARGARET the ſecond daughter of MARMADUKE DE THWENG aforeſaid had a daughter named MATILDA, who was married to *John de Hotham*; who had with her in marriage the other moiety of the *Thweng* ſhare of the barony, in *Stavely* and other places; being the ſame which was held by *Walter Pennardine* and *John Ellerker* aforeſaid, as truſtees probably on a ſettlement. A deſcendant of *Hotham*, in the 12 Eliz. granted this moiety to ALAN BELLINGHAM eſquire, grandſon of the foregoing *Alan Bellingham*; which coming into the ſame name and family with the *Lumley* part before mentioned, the whole, though improperly as to this latter part, hath ſince commonly gone under the name of the LUMLEY FEE.

By an inquiſition after the death of this later Alan Bellingham eſquire, in the 20 Eliz. it is found, that he died ſeiſed of the manor of Over Stavely, and divers meſſuages and tenements and other hereditaments in Over Stavely, Nether Stavely, Hugill, Sadgill, Reſpton (with the moiety of Reſpton mill), Fairbank, Greſmyre, Langden, Potterfell, Vowflatt, Ulthwaite, Ratherhead, Sabergh, Crookfell, Weſt Wood, and Roger Holme (an iſland in Winandermere), with a fiſhery in the waters of Winandermere, Skeleſwater, and Greſmyre.

This *Alan Bellingham* had a ſon Sir *James Bellingham*, who had a ſon Sir *Henry Bellingham*, who was ſucceeded by his brother *Alan Bellingham* eſquire, who ſold this Lumley fee to Colonel *James Grahme*, whoſe daughter and heir *Katherine* was married to *Henry Bowes Howard* earl of Berkſhire, whoſe grandſon *Henry Howard* earl of Suffolk and Berkſhire now enjoys the ſame.

CHAPTER

CHAPTER V.

Of LADARINA's *ſhare of the Barony.*

CHAP. V.

THERE remains yet one other of the four ſiſters of the laſt *Peter de Brus* to be accounted for, namely, LADARINA, married to JOHN DE BELLA-AQUA in Yorkſhire. It hath been ſhewed before, that this *Ladarina* had *Kentmere* aſſigned to her; and this was all that ſhe had in Weſtmorland.

She had by her ſaid huſband *John de Bella-aqua* only two daughters; *Sibilla*, married to *Milo de Stapelton*; and *Johan*, married to *Aucherus* ſon of *Henry*. In the 5 Ed. 2. a partition was made in chancery of their mother's inheritance between theſe two daughters or their repreſentatives, to wit, *Nicholas de Stapelton* ſon and heir of *Sibilla*, and *Johan* the wife of *Aucherus* then living. And amongſt the particulars, the manor of *Kentmere* was to remain to *Nicholas*; and all the reſt of the manors, meſſuages, lands, and tenements, are ſet forth to be in Lancaſhire and Yorkſhire.

This family of *Stapelton* continued owners of *Kentmere* till the reign of king Charles the firſt, when it was ſold by them, as will hereafter appear.

CHAPTER VI.

Other deſcendents of the LANCASTRES.

CHAP. VI.

WE have now deduced the whole Talebois family in the barony of Kendal, ſo far as our materials will admit; except what relates to one ROGER DE LANCASTRE, who is often mentioned, and was founder of a very conſiderable family.

Who this *Roger* was, is matter of curious diſquiſition. It hath been ſhewed, that *William de Lancaſtre*, the third and laſt of that name in the direct line, died without iſſue, leaving his ſiſters coheirs. And yet nevertheleſs, this *William* had a brother; which was this ſame *Roger:* So *William* calls him in one of his grants to Furneſs abbey—*Teſte Rogero fratre meo.* And from hence it hath been concluded, that this *Roger* was a brother of the half blood. And ſo indeed he was. But (whether by deſign, or through inadvertency) it hath not been expreſſed what kind of half brother he was. The regiſter of Furneſs abbey will inform us—"*Rogerus* baſtardus *frater Willielmi.*" This circumſtance is not taken notice of in any of the pedigrees, which derive the name and family of the *Lancaſtres* from this ſame *Roger*; which name and family flouriſhed and long continued in this county, at Ridal, Sockbridge, Howgill caſtle, and other places, and by intermarriages was connected with moſt of the conſiderable families in the county, and probably is not yet extinct, many of the name yet remaining, though the eſtates are paſſed into other hands.

This

This *Roger de Lancaſtre* held, in what is now called the Bottom of Weſtmorland, the manor of Barton, by the gift of William his brother; as alſo Patterdale. And in the 3 Ed. 1. he obtained of that king a confirmation to him of the foreſt of Ridal, as alſo of Amelſate and Loughrigge, which before had been granted to him by Margaret de Brus. He was ſheriff of Lancaſhire in the 49 Hen. 3. He married Philippa, one of the four daughters and coheirs of Hugh de Bolebeck in the county of Northumberland, and died in the 19 Ed. 1. leaving iſſue,

John de Lancaſtre, who was ſummoned in the 22 Ed. 1. amongſt divers other perſons of note, to attend at Portſmouth, well provided with horſe and arms, and thence to ſail with his majeſty to France. In the 25th of the ſaid king, he was employed in the expedition againſt the Scots, being in the retinue of Brian Fitz-Alane of Bedal in Yorkſhire. He was ſummoned to parliament from that year to the 3 Ed. 2. and died in the 8th year of king Edward the third. Amora his wife ſurvived him: For in the 11 Ed. 3. ſhe appears to have held the manor of Ridal for the term of her life, remainder to *John de Lancaſtre* of Holgill and his heirs, he being the next heir male of this family.

This *John de Lancaſtre* of Howgill had a ſon *William*; who had a ſon *William*; who had a ſon *John*; who had another *John*, who died without iſſue male in the reign of Hen. 6. leaving four daughters; 1. *Chriſtian*, married to Sir Robert de Harrington, knight. 2. *Iſabel*, married to Sir Thomas le Fleming of Coniſton, knight. 3. *Margaret*, married to Sir Matthew de Whitfield, knight. 4. *Elizabeth*, married to Robert de Crackenthorp, eſquire.

There was another branch of the *Lancaſtres* at Sockbridge; which continued in the direct male line till the reign of king James the firſt; and then became alſo extinct in daughters.

There were others in other places; all of whom will be particularly conſidered in their reſpective places.

PARISH AND TOWN OF KENDAL.

THE pariſh of *Kirkby in Kendale* is very extenſive, comprehending 24 townſhips or conſtablewicks, *viz.* Kendal, Helſington, Natland, Scalthwaite-Rigg (including Hay and Hutton in the Hay), New Hutton, Old Hutton and Holme Scales, Docker, Lambrigg, Grayrigg, Whinfell, Fawcet Foreſt, Whitwell and Selſide, Skelſmergh and Patton, Burneſhead, Strickland Roger, Strickland Ketel, Long Sleddale, Kentmere, Crook, Winſter, Over Staveley, Nether Staveley, Hugill, Underbarrow and Bradley Field; and ſome of theſe, for convenience, have been ſubdivided:—And 15 chapelries, *viz.* Kendal, Helſington, Natland, New Hutton, Old Hutton, Grayrigg, Selſide, Burneſhead, Long Sleddale, Kentmere, Crook, Winſter, Staveley, Ings, and Underbarrow.

This pariſh was anciently larger; for *Windermere* and *Greſmere* were parts thereof, though now they have obtained by reputation the name of diſtinct pariſhes, and are the only rectories within the barony of Kendale.

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It is bounded on the Eaſt by the pariſhes of Shap, Orton, Sedberg, and Kirkby Lonſdale; on the South, by the pariſhes of Kirkby Lonſdale, Burton, and Heverſham; on the Weſt, by the pariſhes of Heverſham and Windermere; and on the North, by the pariſhes of Windermere, Greſmere, and Orton.

The TOWN of *Kendal* is the chief town in this county, for largeneſs, neatneſs, buildings, populouſneſs, and trade; and is pleaſantly ſituate on the weſtern bank of the river *Kent*, which ſprings in *Kentmere*, and gives name to this town and pariſh.

It deals largely in the woollen and cotton manufactures. So early as the 11th of king Edward the third, the king's agents having ſolicited a great many men from the Low Countries, well ſkilled in cloth-making, ſent a colony of them (amongſt other places) to Kendal. And in the reigns of Ric. 2. and Hen. 4. ſeveral regulations were made by act of parliament for the making of Kendal cloths. Before this, all the wool of the country was exported; which, being manufactured in the Netherlands, was ſuch a ſource of riches, as to occaſion the duke of Burgundy to inſtitute the order of the Golden Fleece.

The people of Kendal are generally induſtrious, ſo that it is a very rare thing to ſee any perſon ſtanding idle, as is too uſual in other thorough-fare towns, or other places of public reſort.

The largeneſs of their trade may be eſtimated from the quantity of goods brought into and carried out of this town weekly, by the pack-horſe carriers, before the turnpike roads were made, when waggons came in uſe, whoſe contents are not ſo eaſily calculated.

	Horſes.
One gang of pack-horſes to and from London every week, of about	20
One gang from Wigan weekly, about	18
One gang from Whitehaven, about	20
From Cockermouth,	15
Two gangs from Barnard caſtle	26
Two gangs from Penrith twice a week, about 15 each gang,	60
One gang, about 15, from Settle, twice a week,	30
From York weekly, about	10
From Ulverſton,	5
From Hawkſhead, about 6, twice a week,	12
From Appleby, about 6, twice a week,	12
From Cartmell,	6
Two waggons from Lancaſter twice a week, computed at 60 horſe load,	60
Carriages 3 or 4 times a week to and from Milnthorp, computed at 40 horſe load,	40
From Sedbergh, Kirkby Lonſdale, Orton, Dent, and other neighbouring villages, about	20
Total	354

Beſides 24 every ſix weeks from Glaſgow.

Here

Here is a very large market on Saturday weekly, which was granted by king Richard the firſt to *Gilbert* ſon of *Roger Fitz-Reinfred* before mentioned †.

Afterwards, in the third year of Edward the ſecond, *Marmaduke de Thweng* and *William de Roſs* (as is aforeſaid) obtained a charter for a market and fair at Kirkby in Kendale.

And in the 7 Ed. 3. another grant of a market and fair at Kirkby in Kendale was obtained by *Chriſtian* wife of *Ingelram de Gynes.*—Or rather, theſe laſt were confirmations of the former grant.

And theſe were again confirmed by the charter of incorporation of queen Elizabeth in the 18th year of her reign; and by a further charter in the 11th of Charles the firſt, confirming that of queen Elizabeth, and granting more ample privileges. The ſubſtance of which two charters put together is as followeth: "That in the town of Kirkby in Kendale there ſhall be a body politic "and corporate, conſiſting of one mayor, 12 aldermen, and 20 capital burgeſſes, by the name of mayor, aldermen, and burgeſſes of the borough of "Kirkby in Kendale; to have a common ſeal; with power to take lands not "exceeding 100 *l* a year.

"The mayor to be choſen out of the number of aldermen, on Monday next "before Michaelmaſs day yearly, by the mayor and aldermen, or the major "part of them (of whom the mayor to be one), to continue for one whole "year, and from thence until another be choſen and ſworn.

"The aldermen to be choſen by the mayor and aldermen, or the major "part of them, to continue during life, or until amoval from the office for "reaſonable cauſe.

"The capital burgeſſes to be choſen by the mayor and aldermen, or the "major part of them (of whom the mayor to be one), to continue in the "office during their good behaviour.

"One man learned in the laws to be recorder or ſeneſchal; to be choſen by "the mayor and aldermen, to execute the office during their pleaſure.

"They ſhall alſo appoint a clerk of the recognizances (or town clerk); and "a ſword-bearer, and two ſerjeants at mace.

"The mayor ſhall be clerk of the market; and the mayor and ſenior alderman ſhall be coroners for the ſaid borough.

"If the mayor die within the year, or be lawfully amoved from his office, "another ſhall be choſen for the reſidue of the year. And no mayor ſhall "ſerve again till after four years from the expiration of his office.

"If an alderman live out of the borough, another ſhall be choſen.

† Ricardus Dei gratia, rex Angliæ, &c. Omnibus fidelibus et miniſtris ſuis, ſalutem. Sciatis nos dediſſe et conceſſiſſe, et præſenti charta noſtra confirmaſſe, Gilberto filio Rogeri filii Renfredi et hæredibus ſuis, forum per diem Sabbati in Kirkeby in Kendale. Tenendum in feodo et hæreditate de nobis et hæredibus noſtris. Et pro hac donatione et conceſſione noſtra, dedit ipſe Gilbertus nobis viginti marcas argenti. Quare volumus et firmiter præcipimus, quod prædictus Gilbertus et hæredes ſui prædictum forum habeant et teneant de nobis et hæredibus noſtris in feodo et hæreditate, bene et in pace, libere et quiete, et honorifice, ita quod nullus præſumat illud impedire, ſuper forisfacturam decem librarum argenti. Teſt. &c. *(Machel.)*

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" There ſhall be two fairs yearly; one, on the eve, day, and morrow of " the feaſt of St. Mark; the other, on the eve, day, and morrow of the feaſt " of St. Simon and Jude.

" On Thurſday from 3 weeks to 3 weeks, the mayor, recorder (or deputy " recorder), and two ſenior aldermen, or three of them (whereof the mayor, " recorder, or deputy recorder in the abſence of the recorder, ſhall be two), " ſhall hold a court of record, and view of frankpledge, and ſhall have cog- " nizance of pleas of matters ariſing within the borough, amounting to any " ſum not exceeding 20 *l.*

" And they ſhall have power to make by-laws, for the good rule and go- " vernment of all officers, artificers, burgeſſes, inhabitants, and reſiants in the " ſame borough, ſo as they be reaſonable, and not contrary to the laws of the " land.

" And the mayor, aldermen, and burgeſſes, may appoint ſearchers and " inſpectors of woollen cloth and cottons, and impoſe fines for offences in the " manufacturing thereof.

" And no petty chapman or artificer, not free of the borough, ſhall, ex- " cept in open fair or market on the market day, put to ſale any wares or " merchandizes (except victuals) without licence of the mayor and aldermen " under their ſeals.

" The mayor, recorder, and two ſenior aldermen, ſhall be juſtices of the " peace; and they, or any three of them (whereof the mayor and recorder " ſhall be two), may hold ſeſſions, and hear and determine offences; except " treaſon, murder, felony, or any other matter touching the loſs of life or " limb, in which they ſhall not proceed without the king's ſpecial command. " And the juſtices of the county ſhall not intromit, unleſs in defect of the " juſtices of the borough.

" Provided, that nothing herein ſhall derogate from the right of the here- " ditary ſheriff of the county, with reſpect to any goods or chattels of felons " and fugitives, waifs, deodands, eſtrays, views of frankpledge, tourns, and " county court, or execution of proceſs.

" And provided, that the mayor, recorder, aldermen, and town clerk, " ſhall not be put or impanelled in any jury at the aſſizes; and the ſheriff ſhall " not impanel them, nor ſhall they forfeit any iſſues for not appearing."

——With reſpect to this laſt clauſe, the regulations as they ſtand at preſent by law for ſerving upon juries, being made by acts of parliament ſubſequent to theſe charters, without any ſaving of ſuch like exemptions; this privilege by charter (if ever it was legally in force) ſeemeth now to be vaniſhed and gone.

As to the reſt, amongſt other charters in many other parts of the kingdom, which were ſurrendered to the crown in the latter end of the reign of king Charles the ſecond, and in the reign of king James the ſecond, theſe two charters ſuffered the ſame fate. The hiſtory of which is as follows: In the laſt year of the reign of king Charles the ſecond, the lord chief juſtice Jeffreys was ſent judge of aſſize on the northern circuit. And all along as he pro- ceeded, he laboured this ſurrender of the charters in every corporation where he came. At Kendal he ſucceeded; and there are ſome copies of letters yet extant,

extant, very characteriſtic of that judge and of thoſe times, in relation to the obtaining a new charter for this corporation: Particularly that which here next follows;

To the right honourable Sir George Jeffereys knight and baronet, lord chief juſtice of England:

My Lord,

IN the performance of our duty, when your lordſhip was here, in giving up our charter, whenſoever his majeſty ſhould be pleaſed to call for it, your lordſhip was pleaſed to give us not only your word but your oath to become a buxome and beneficial member of this corporation. This, my lord, we mention with all due reſpect and thanks to your lordſhip, for the great honour then done us. We have now ſent up our charter, in order to lay it at his majeſty's feet, and hope by your lordſhip's beneficence to obtain his majeſty's royal charter, with ſuch privileges and benefits *de novo* as your lordſhip ſhall approve of. 'Tis not much we would deſire, nor ſhall deſire any thing which your lordſhip ſhall judge unfitting either for us to aſk, or his majeſty to grant. But in ſuch things as are feiſible, we humbly beg your lordſhip's advice and aſſiſtance. My lord, we know we cannot apply ourſelves to any perſon more deſervedly happy in his prince's favour, and in the love and honour of all good and loyal men. Long may your lordſhip live and enjoy this happineſs, whilſt we think ourſelves happy in having ſo worthy a member of our poor corporation. We beg leave to ſubſcribe ourſelves, as we really are,

Your lordſhip's moſt obliged humble ſervants.

Another letter was addreſſed to the lord keeper:

To the right honourable Francis lord Guilford, lord keeper of the great ſeal of England.

May it pleaſe your lordſhip,

IN obedience to his majeſty's deſires, intimated to us by the right honourable the lord chief juſtice of England, we are now upon ſurrendering our charter into his majeſty's hands; and as your lordſhip was pleaſed to honour us ſo far as to become a member of this corporation, ſo we humbly requeſt your lordſhip's favour in relation to our new charter, and ſuch privileges and benefits as we hope his majeſty will be pleaſed to grant us. This, we muſt confeſs, is a great preſumption in us, but beg your lordſhip's favourable acceptance hereof, from

Your lordſhip's moſt obedient ſervants.

Another letter was ſent to Sir Chriſtopher Muſgrave, one of the knights of the ſhire.

Honoured Sir,

SINCE you were pleaſed to be our repreſentative to yield up our old charter, we do not queſtion but you will fairly repreſent us to his majeſty in order to the getting a new one, with ſuch alterations and additional benefits,

as

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as ſhall be approved of by yourſelf and the lord chief juſtice, whoſe advice and aſſiſtance we have likewiſe deſired. Be pleaſed, Sir, to conſider us as a poor corporation, whoſe yearly revenue will ſcarce defray the yearly charges thereof; inſomuch that we are hard put to it to raiſe money for the ordinary fees for renewing our charter. So that if the thorough-toll, or any other thing we have deſired, ſhall meet with any difficulty or obſtruction, we muſt rather deſiſt, than be put to the charges of petitions, references, reports, and the like: But all we can hope for (beſides the confirmation of our old charter) muſt be from yours and the lord chief juſtice's immediate interceſſion to his majeſty without further charge; for really we are not in a condition to do as may be expected from us on this account, being rich in nothing but as having ſo worthy members and friends as yourſelf. This we humbly offer to you, and ſubſcribe ourſelves

Your moſt obliged and humble ſervants.

The matters we deſire may be humbly offered to his majeſty's conſideration are theſe:

1. That his majeſty would be graciouſly pleaſed to grant us his royal charter *de novo*, humbly ſubmitting to whatever alterations his majeſty in his great wiſdom ſhall think fit to make therein.

2. We enjoy the tolls of the market here, which we hold by leaſe from the crown, under the yearly rent of 15 *l.* We have all along managed the ſaid tolls to the beſt advantage we could, and yet never made above 17 *l per annum* of them. So that the yearly profit will not anſwer the charge of renewing our leaſe (as we ought to do) once in ten years. Wherefore if his majeſty would be pleaſed to grant us the ſaid toll in fee farm, under the ſaid yearly rent of 15 *l*, it would be a great eaſe to the corporation, and not prejudicial (we think) to his majeſty's intereſt.

3. Theſe tolls have been anciently, almoſt time out of mind, received by us; yet of raw hides and apples no toll was ever taken here, in regard (as we conceive) that heretofore they were not worth the taking notice of. But now the trade in leather and fruit being grown very conſiderable, if by our charter or otherwiſe ſuch power were given us as might juſtify our taking toll thereof, it would be a benefit to the corporation, and no leſs to his majeſty, nor burden to the people but what they are liable to in other markets.

4. There is adjoining to the town a parcel of waſte ground, called Dob Freer, which is all the common of paſture that is belonging to the town, and is no more than a hill full of rocks and ſtones. The fee and ſoil thereof doth belong to the crown, but is of little or no advantage to his majeſty, neither is it worth to the town above 5 *l per annum*, but might be of greater uſe and benefit to us, if his majeſty were pleaſed to grant us the ſoil and inheritance thereof.

5. We repair and uphold two large bridges, and the half part of a third bridge, at our own proper coſts and charges, which is a burden too heavy for us to bear. But if, in conſideration thereof, his majeſty would be graciouſly pleaſed to grant us a thorough-toll of one penny or halfpenny only for each pack

pack of goods paſſing into or out of the town, it would be ſome eaſe and benefit to us; and is no more than what Carliſle enjoys in a much greater meaſure throughout the whole county of Cumberland, for all ſorts of goods and chattels paſſing into or out of the ſaid county.

Theſe are the things we humbly offer, and if it might not be thought too great preſumption in us, we would humbly pray in aid the right honourable the lord keeper of the great ſeal of England and the lord chief juſtice of England; who as they have done us the honour of being made members of our corporation, ſo we hope will do us the favour of interceding with his majeſty on our behalf, whilſt we ſhall deſire nothing which may be thought in the leaſt prejudicial to his majeſty's intereſt, or which he cannot willingly and eaſily grant us, but ſhall thankfully acquieſce in his majeſty's good-will and pleaſure, whatſoever it ſhall be.

Finally, a new charter was obtained, and on its being brought from London was uſhered in with much ſolemnity. On the 26th of December 1683, the town clerk Mr. Richard Rowlandſon, who brought the charter, was met at Burton by a large number of horſemen from Kendal. And at the extremity of the town liberty, he was met by Mr. Lancelot Forth then mayor, the aldermen, burgeſſes, and many gentlemen out of the country; where the mayor, kneeling and bareheaded, received the charter; from whence it was conveyed to the town hall, many hundreds of the people huzzaing at the firſt delivery thereof, and all the way through the town, the mayor and aldermen being in their robes, with maces, ſword, trumpets, muſick, bells ringing, and other rejoycings. After the charter was read, the mayor began the king's health at the croſs, commonly called the Cold Stone; and then treated the gentlemen nobly at his own houſe.

This new charter of king Charles the ſecond doth not grant any of the particulars above petitioned for, but is copied for the moſt part *verbatim* from that of king Charles the firſt, with a few alterations, *viz.* that the *mayor* ſhall be choſen by the mayor, aldermen, and capital burgeſſes;—that on a *vacancy* of the mayoralty within the year, one of the two ſenior aldermen ſhall ſerve during the remainder of the year;—that they ſhall hold pleas for any matter ariſing within the borough for any ſum not exceeding *forty pounds*;—and that the *deputy recorder* ſhall be a juſtice of the peace (and may act as ſuch in the abſence of the recorder): With a clauſe, as in all the new charters of thoſe times, of reſervation to the crown of a power to diſplace and remove the mayor, recorder, aldermen, or any other corporation officers at pleaſure.

But here a queſtion ariſes, of importance, not only to this, but to many other boroughs in the kingdom; namely, Which of the charters are in force? From what hath been already obſerved, it ſhould ſeem, that the two former charters on their ſurrender became totally void; and that the charter of Charles the ſecond is the only charter now valid and effectual. And the practice in this borough, and in many other corporations, goeth accordingly. But perhaps

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haps it may be doubted, whether the reverſe of this be not the caſe, namely, that the former charters are in force, and the laſt void. And the reaſon of the doubt is this: When king James the ſecond found matters declining, and that this garbling of corporations was one particular heavy charge againſt him, he publiſhed a proclamation, thereby revoking the new charters, and re-eſtabliſhing thoſe which had been ſurrendered; ſetting forth, that whereas ſeveral of the deeds of ſurrender of corporations which had been lately made were not recorded and inrolled, and the rules for judgment which had been obtained againſt other of the corporations upon Quo Warrantos or informations in the nature of Quo Warranto were not yet entered upon record; which ſaid deeds of ſurrender, or rules for judgment, being not recorded, do not amount to a ſurrender in law, nor diſſolve the corporation; the king therefore reſtores all the ſaid corporations into the ſame ſtate and condition as they were before ſuch ſurrender, or rule for judgment obtained; and revokes all the new charters granted in the reign of his brother or of himſelf *. And the rule of law ſeems to be, that the ſurrender of a charter without inrollment is void, and a new charter granted in conſideration of a void ſurrender is alſo void. As was reſolved in the caſe of *Bully* and *Palmer*, *Mich.* 10 *Will.* 3. And the ſame doctrine was held by the court in the caſe of *Piper* and *Dennis* in the ſame term †.

Amongſt the tradeſmen in this corporation, there are ſeven *companies*; viz. of mercers, ſhearmen, cordwainers, tanners, ſkinners, taylors, and barbers; each of which companies hath two wardens choſen yearly, and ſworn to ſee the rules and orders of the reſpective companies duly obſerved.

They have a very elegant town hall, lately repaired by the corporation at a conſiderable expence, where they hold their courts; and the quarter ſeſſions of the peace are likewiſe commonly held there by adjournment from Appleby at Michaelmaſs, Chriſtmaſs, and Eaſter; and originally, at Midſummer every ſecond year.

They have a *court of conſcience* by virtue of an act of parliament of the 4th year of the reign of king George the third, for the recovery of debts under 40*s*, which extends to the whole pariſh, and ſuch debts are not to be ſued for in any other court. But the ſame doth not extend to debts for rent, nor to any contract where the freehold doth come in queſtion, nor to any matter cognizable by the eccleſiaſtical court, or before juſtices of the peace.

Adjoining to the town of Kendal on the South, is *Kirkland*, which is commonly reckoned part of Kendal, but it is a diſtinct townſhip, ſeparated from

* This proclamation we have inſerted in the Appendix, N° xxxix.

† 12 Modern Rep. 247. 253. Viner's Abridgment, Tit. Corporations. (J. 3.) 15. and (M.) 3.

the

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the town of Kendal by a little brook, which having but a ſmall current, and as it were ſeeking a paſſage, is called *Blindbeck*.

This place, being out of the mayor's liberty, is much reſorted to by tradeſmen that are not free of the corporation.

The CHURCH of Kendal ſtands in *Kirkland*, from whence the place hath received its name. It is a very large, neat, and handſome building, and contains every Sunday as large a congregation, as almoſt any pariſh church in the kingdom. It is 180 feet long, and 99 feet in breadth; with five alleys, each of them being parted by a row of 8 fair pillars; and with a ſtrong ſquare ſteeple, wherein are 6 large and very tunable bells.

It is a vicarage, in the patronage of Trinity college in Cambridge; valued in the king's books at 99*l* 5*s* 0*d*, in Henry the eighth's time; which is a very high valuation, and the reaſon ſeems to be, becauſe a conſiderable part of the vicar's revenue conſiſts of preſcriptive payments in money, which were the ſame then as they are now; whereas where the revenue depends upon the prices of the produce of land and of other things tithable, the valuation betwixt that time and the preſent will be more diſproportionate. The great tithes, and alſo the tithes of wool and lamb, belong to the college.

This church, together with divers others, was given by Ivo de Talebois, firſt baron of Kendal after the conqueſt, to the abbey of St. Mary's York. And the grant thereof was confirmed by Gilbert ſon of Roger Fitz-Reinfred *. And afterwards, the ſame was appropriated to that abbey, as appears by an inquiſition of *Ad quod damnum*, taken at Appleby before the ſheriff on Thurſday next after the Epiphany in the 30 Ed. 1. whereby it was found, That it is of no damage to the king or any other, to appropriate the church of Kirkby in Kendale to the abbot and convent of St. Mary's York: That the ſaid church is in the patronage of the ſaid abbot and convent; but that its chapels, viz. of Greſmere and Windermere, are in the patronage of Sir Ingram de Gynes and Chriſtian his wife as heireſs, who hold the ſame of the king *in capite*. *(Machel from Dugd.)*

After the diſſolution of the monaſteries, this rectory (with the advowſon of the vicarage) was granted to the ſaid college by queen Mary in the firſt year of her reign: Who having called together the chief of the popiſh clergy that were then about the court, conſulted with them concerning publick prayers

* Omnibus ſanctæ matris eccleſiæ filiis ad quos præſens ſcriptum pervenerit, Gilbertus filius Reinfredi et Elewiſa uxor ejus ſalutem in domino. Noverit univerſitas veſtra nos intuitu charitatis conceſſiſſe et hac præſenti charta noſtra confirmaſſe Deo et eccleſiæ ſanctæ Mariæ Eborum et monachis ibidem Deo ſervientibus, eccleſias de Clapham, et de Kirkeby in Lonesdale, et de Burton in Kendale, et de Biethum, et de Everſheim, et de Kirkeby in Kendale, et de Morland, et de Brunefeld, et de Wirkington. Has autem prædictas eccleſias confirmamus eis, cum capellis, molendinis, terris, paſturis, poſſeſſionibus, libertatibus, et omnibus aliis pertinentiis ſuis, ſicut chartæ anteceſſorum noſtrorum teſtantur. Hiis teſtibus, Ricardo de Mariſco, Adelmo de Biethum, Rogero de Heverſheim, Nicolao de Kendale, Johanne de Lonesdale, Magiſtro Hugone Ruffo, Gervaſio de Aincurt, Henrico de Redeman, Waltero de Bovington, Johanne de Haverington, Petro Bleyn, Johanne Bleyn, Roberto Pachel, Magiſtro Gregorio de Ebor', Roberto Mule, Johanne et Waltero Cocis, Waltero de Liſt', Oiberto Janitor', Turgis Granetar', Samſone Clerico, et multis aliis. *(Regiſtr. Wetherel.)*

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to be made for the ſoul of her father king Henry the eighth, conceiving his caſe not to be ſo deſperate, but that his ſoul might be benefited thereby. They poſſeſſed her of the impoſſibility thereof, and that his Holineſs would never conſent ſuch an honour to be done to one dying ſo notorious a ſchiſmatic. But they adviſed her, in expreſſion of her private affection to her father's memory, to add ſomething to Trinity college in Cambridge, as being the beſt monument he had left; whereon, chiefly at the inſtance of John Chriſtopherſon biſhop of Chicheſter who had been maſter there, ſhe beſtowed this and other advowſons upon the ſaid college, together with an annual ſum of 376*l* 10*s* 3*d*, part of which ſum did ariſe from the rectory of this church. *(Hiſtory of Cambr. Univ.)*

But it ſeems that the college did not immediately come into poſſeſſion of this advowſon; for the ſame appears to have been in other hands ſo late as the latter end of the reign of king James the firſt, by grant probably of ſome long term, either by the abbot and convent before the diſſolution, or by the crown afterwards. For by an indenture leading the uſes of a fine, in the 15th year of the ſaid king, between Thomas Lyttelton of Frankley in the county of Worceſter eſquire, and Katherine his wife (daughter and ſole heir of Sir Thomas Crompton of Driffield in the county of York knight), among other eſtates therein recited, and which the ſaid Thomas Lyttelton was then poſſeſſed of in the right of his wife, the following occur; viz. "The chantry of Kirkby "Kendale: Three meſſuages, three gardens, and three orchards; 80 acres of "arable land, 80 acres of paſture, 40 acres of meadow, 20 acres of wood, "and 40 acres of furze and heath, in Kirkby Kendale aforeſaid. Alſo all "tithes whatever ariſing and growing in Kirkby Kendale; together with the "advowſon of the church there, in the county of Weſtmorland †.

What the chantry above mentioned was, doth not particularly appear; for there were ſeveral chantries in this church. In the 24th year of queen Elizabeth, there was a grant made by the ſaid queen to Sir Chriſtopher Hatton and his heirs of the chantry of *St. Anthony* in the church of Kirkby in Kendale, and the chantry of *Thomas a Becket* in the ſaid church; out of which, together with other particulars in his purchaſe, he was to pay 7*l* 11*s* 4*d* a year to the Schoolmaſter of Burgh. In the general return of the commiſſioners appointed to inquire of colleges, chantries, hoſpitals, and free chapels, in the reigns of king Hen. 8. and Ed. 6. it was certified, that in Kirkby in Kendale there was the chantry of *Our Lady*; *Becket*'s chantry; *Trinity Guild*; a ſtipendiary in the chapel; and four other ſtipendiaries.

Near unto the church, towards the North, is an houſe called *Abbot-Hall*; which undoubtedly belonged heretofore to the ſaid abbey. It was rebuilt by the late owner George Wilſon eſquire at the expence of about 8000*l*, who ſold the ſame to John Taylor eſquire the preſent poſſeſſor.

And nigh unto the ſaid Abbot-Hall was a *chapel*, near the head of *Well-ſike*; from which place there is a lane which leads to the great ſtreet, called *Capel-lane* (having received its name from the *chapel)* now corruptly called *Capper-lane*.

† From the original remaining among Lord Lyttelton's evidences at Hagley in Worceſterſhire.

There

There was another chapel called *St. Anne's chapel*, which is ſuppoſed to have been ſituate near Dockwray hall; and at this place there was an houſe in Mr. Machel's time, which from the form of the windows and the fabrick thereof ſeemed to have been this ſame chapel.

William Gilpin, ſteward to Alan Bellingham of Levens eſquire, purchaſed of the ſaid Alan certain rents belonging to the ſaid chapel of *St. Anne*, of 3*l* 7*s* 8*d* a year, at 30 years purchaſe; and by his will, dated in the year 1561, bequeathed the ſame to two Gilpins his relations, and to others of the neareſt of his kindred ſucceſſively, to diſtribute the ſame to the poor in Kendal of his name and family for ever.

There was another chapel at the head of the Bank, upon an hill called *Chapel-Hill*, now demoliſhed; and an houſe erected upon the ſite thereof, where the arms of Roos are very apparent in the front.

There was alſo a chapel called *All-Hallows chapel* at the eaſt end of Strammongate bridge now converted to a dwelling.

There was alſo an *hoſpital of lepers* at Kirkby in Kendale; the patronage whereof was given by William de Lancaſtre to the priory of Conyngeſheved in Lancaſhire. This hoſpital was dedicated to *St. Leonard*; and was valued at the diſſolution at 11*l* 4*s* 3*d* a year. It was granted in the 38 Hen. 8. to Alan Bellingham and Alan Wilſon eſquires, being the ſame which is now called *Spittle*, and belongs at preſent to Sir James Lowther baronet.

There are in the church four iles or quires, appropriated to diſtinct families and houſes in the neighbourhood. The outermoſt on the ſouth ſide is called *Parr*'s; the inner on the ſame ſide, *Strickland*'s; the outermoſt on the north ſide, *Bellingham*'s; the inner on the ſame north ſide, called the *Aldermens*, becauſe the aldermen were formerly wont to ſit there.

In the ile called *Parr*'s, which belonged to the *Parrs* of Kendal caſtle, Sir *Thomas Parr* knight is commonly ſuppoſed to have been interred, under a large tombſtone without any inſcription, there having been in the glaſs window over it (until demoliſhed by Cromwell's ſoldiers) the following diſtich,

"Pray for the ſoul of Sir Thomas Parr knight,
"Who was ſquire of the body to king Henry the eighth."

But it hath evidently appeared before, that he was not buried here, but in the Black Friers church in London. Therefore, moſt probably, that inſcription was in memory only of his having cauſed that window to be made of painted glaſs. Theſe windows were of conſiderable expence: And they who cauſed them to be put up, were ſolicitous oftentimes of having not only their names, but their arms alſo painted thereon. An inſtance parallel to this, but more explicit, was in the church of Burgh in this county: "Orate pro anima Do-"mini Thomæ Rud, qui iſtam feneſtram fieri fecit." Moſt probably, under this ſtone lies interred the body of Sir *William Parr* father of the ſaid Sir *Thomas*; for the arms on the ſaid tombſtone are incircled with the garter, and no other of the family beſides this Sir William, and his grandſon *William* marquis of Northampton, was dignified with that honour; and the latter, we have found, was buried at Warwick.

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Nigh unto the ſaid tombſtone lies the body of Sir Auguſtine Nicols knight, one of the juſtices of the court of common pleas, who ſitting as judge of aſſize in this town (the aſſizes being held here at that time, by reaſon of ſome differences between Francis earl of Cumberland the then ſheriff and the town of Appleby*) died Aug. 3. 1616, in the 57th year of his age, and was buried here, over whom is a very fair monument, with an inſcription.

Next adjoining to this ile, is that belonging to the *Stricklands* of Sizergh; in which, five of the ſons of Sir *Thomas Strickland* knight lie buried with a rich marble monument over them.

The *Bellingham* ile was ſo called from the *Bellinghams* of Over Levens; in which is an handſome tomb, wherein lies interred *Alan Bellingham* eſquire (great grandfather of the laſt *Bellingham* of that place), and over it his effigies cut in braſs with an inſcription.

The *Aldermens* ile is that which was anciently *Our Lady's chapel.* It is ſaid to have been re-edified by Sir *Roger Bellingham* of Burneſhead knight, who lies there interred, with his wife, in a goodly tomb, with an inſcription in braſs under their effigies.

In the ſame place lies dame *Thomaſin Thornburgh*, wife of *William Thornburgh* of Selſide knight, and grand-daughter of the ſaid Sir *Roger Bellingham*, with an epitaph over her in white marble.

In the high chancel or quire of this church lies the body of the right reverend *Robert Dawſon*, biſhop of Clonfert in Ireland; who in the time of the Iriſh rebellion returned, with much difficulty, to his native country, and died in his father's houſe in Kendal. Over his grave is this epitaph inſcribed on a braſs plate:

" Hic jacet reverendus in Chriſto Robertus Dawſon, epiſcopus Clonfertenſis et Ducenſis Hibernicus. Qui obiit die 13 Apr. 1643."

Near him divers vicars of Kendal lie buried. Among whom is Mr. *Ralph Tyrer*; whoſe epitaph, compoſed by himſelf, was afterwards engraved in braſs, as followeth:

" Here lieth the body of Ralph Tyrer, late vicar of Kendal, B. D. who died June 4th, A. D. 1627.

London bred mee, Weſtminſter fed mee,
Cambridge ſped mee, my Siſter wed mee,
Study taught mee, Living fought mee,
Learning brought mee, Kendal caught mee,
Labour preſſed mee, Sickneſs diſtreſſed mee,
Death oppreſſed mee, the Grave poſſeſſed mee,
God firſt gave mee, Chriſt did ſave mee,
Earth did crave mee, and Heaven would have mee."

Other vicars of Kendal, of whom we have found any remembrance, were as follows:

In 1312, *Roger de Kirkeby*, vicar of the church of Kirkeby in Kendale, was witneſs to an exchange of lands at Sizergh.

* Machel.

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[illegible] *Thomas de Leyneſbury*, vicar of Kendal, was a truſtee of certain [illegible]ated by Sir Thomas de Strickland knight.

Richard Garſdale, vicar of Kendal, was one of the truſtees in a [illegible]eigh eſtate.

[illegible], *William*, abbot of St. Mary's York, was vicar of Kendal; who [illegible]r granted a leaſe of part of the tithes to Sir Thomas Strickland.

[illegible], *Ambroſe Hetherington*, S. T. B. vicar of Kendal, had a grant of the [illegible] avoidance of the rectory of Skelton by Philip earl of Surrey and the [illegible]ne his wife, and William Howard otherwiſe William lord Howard and [illegible]y Elizabeth his wife.

We find one Mr. *Stanford* vicar in the reign of king Charles the ſecond; of whom there is the following monumental inſcription:

Hic in proximo ſitus eſt
Michael Stanford.
Erat ornamentum literarum et decus:
Veritatis cultor eximius:
Fidei propugnator ſtrenuus:
Eccleſiæ Anglicanæ Hookerus alter;
Et fanaticorum malleus:
Et quicquid vel cupiunt vel debent eſſe viri.
Is adeo omni laude major,
Cœlo maturus,
Suum ad triumphum evectus eſt,
Quinto Nonas Martii,
Anno { Salutis reparatæ 1682. / Ætatis ſuæ 48. / Animarum hic curæ 10. }
Hoc
Willielmus Rawlinſon
De Gilthwaite-Rigge, armiger,
Summus ei amicus,
In memoriam
Poſuit.

And within our own memory was *William Croſby*, M. A. who left behind him an extraordinary character of ſanctity, charity, and other amiable qualities. He was ſucceeded by *Richard Cuthbert*, M. A. On whoſe tomb-ſtone at the eaſt end of the church-yard is the following inſcription:

Here lies buried
The Rev^d Richard Cuthbert, M. A.
Vicar of Kirkby Kendale:
In whoſe character
The chriſtian, the ſcholar, and the gentleman,
rendered each other more illuſtrious.
His zeal was happily tempered

with

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with knowledge and moderation.
His publick labours and private conduct
agreed to demonſtrate the integrity of his life.
Stranger, ſuſpect not this epitaph of flattery;
His praiſes are more fully inſcribed
on the hearts of all who knew him.
And his maſter's preſence
will reward and perfect his virtues,
By a more intimate converſe
with the great exemplar.
Ob. Nov. 7. A. D. 1744. Ætat. 48. Cur. huj. Par. 11.

On Mr. Cuthbert's death, the preſent vicar *Thomas Symonds*, M. A. (now D. D.) ſucceeded.

In this church is a neat *organ*, with a very handſome and large gallery, erected about the year 1702. The organiſt has a pretty decent ſalary ariſing partly from the ſeats, and partly from contributions, together with the rent of a field in Park lands called Haverbrack or Organiſt cloſe, now let at 12*l* a year; which was given by Janet the wife of Alderman Wilſon. The organiſt to be choſen by the mayor, recorder, two ſenior aldermen, the vicar, and the maſter of the free grammar ſchool, or the major part of them.

On the 3d pillar in the ſouth ile of the church, is the following inſcription:

Here lyes Frances late wife of Jacob Dawſon Gent. who departed this life 19th June 1700, in the 25th year of her age: Who by a free and chearful reſignation of herſelf, even *in the midſt of this world's affluence*, has left us juſt grounds to hope ſhe is now happy.——This epitaph we only take notice of, as it hath occaſioned a diſplay of the droll humour of the people, who upon any particular occaſion of feſtivity have from hence framed a proverb, "We "live as Jacob Dawſon's wife died."

On the 4th pillar in the ſame ile, on a braſs plate:

To the memory
Of the moſt religious and orthodox chriſtian, the moſt loyal ſubject, and moſt ancient and moſt ſerviceable member of this corporation, William Guy of Water-Crook, Gent. who died the 25th day of December, in the year of our lord 1683. Aged 84.

Had loyalty been life, brave Guy, thou had then
Stood Kendal's everlaſting alderman.
Nay, could the joint united force of all
That's good or virtuous over death prevail,
Thy life's pure thread no time or fate could ſever,
And thou'd ſtill liv'd to pray, King live for ever!
But thou art gone; a proof ſuch virtue is
Too good for earth, and only fit for bliſs,
And bliſsful ſeats; where if bleſs'd ſpirits do
Concern themſelves with any thing below,

Thy

Thy prayers the ſame, thou ſtill doſt ſupplicate
For Charles's life, for England's church and ſtate.
Whilſt to thy juſt eternal memory
Envy and malice muſt in this agree
None better lov'd or ſerv'd his prince than Thee.

In the middle ile pillar neareſt to the chancel on a braſs plate:

Nigh to this pillar lies the body of Mrs. Frances Strickland, late wife to Mr. John Strickland of Strickland, and daughter to Edward Backhouſe of Moreland eſquire.

She was born 24 June 1690
Married 24 June 1708
Buried 24 June 1725

Emblem of temporal good, the day that gave
Her birth and marriage ſaw her in her grave.
Wing'd with its native love her ſoul took flight,
To boundleſs regions of eternal light.

At the eaſt end of the churchyard is the following:

Here lieth the body of Joſeph Hall, M. A.
Sometime fellow of Queen's College, Oxford;
And late rector of Weyhill, Hants.
Who,
By the help of good natural talents,
and a conſtant application to literature,
acquired, to a maſterly perfection, the knowledge
of various languages, ancient and modern;
of Philoſophy, thro' all its branches;
of Divinity, his principal profeſſion.
Such uncommon attainments,
With an open, ingenuous temper,
and the firmeſt integrity of heart,
rendered him a moſt faithful and valuable friend,
an uſeful and ornamental member of ſociety,
an excellent college-tutor,
an accompliſhed and reſpectable pariſh miniſter.
He departed this life in Kendale July 13th 1756,
on a piouſly intended viſit to his aged parent,
Mr. Nicholas Hall of Lazonby in Cumberland:
Who cauſed this moument to be erected
in memory of
ſo deſerving and ſo dutiful a ſon.

The *vicarage houſe* is moſt pleaſantly ſituate, on the ſouth ſide of the church, and is in fine and neat condition, having been greatly improved by the preſent

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incumbent. Though it ſtands low, it has a beautiful proſpect of the river, the caſtle, the park lands, and country adjacent.

About the middle of the town was erected in the year 1764 a *chapel* of eaſe, which was conſecrated on the 24th day of June 1765, by biſhop Keene, by the name of *St. George's chapel in Kendale.* The executors of the will of the late Dr. Stratford, commiſſary of the archdeaconry of Richmond, contributed 600*l* towards the building and endowment thereof, beſides 11*l* and upwards for a ſet of communion plate for the ſame. The ſame Dr. Stratford gave alſo by his will 50*l* to the poor of Kendal, 20*l* to the poor of Killington in this county, and upwards of 3000*l* more in ſpecific charities elſewhere; and bequeathed the reſiduum of his perſonality, amounting to 9390*l*, to be laid out by his executors in buying good books, to be diſpoſed of to proper perſons within the archdeaconry of Richmond or elſewhere, in relieving poor houſekeepers, putting out poor children apprentices, cloathing poor old people and poor boys and girls, and in any publick charity or charitable uſes which his executors ſhould approve of. Out of which they augmented 58 ſmall livings and curacies, in the counties of Weſtmorland, Cumberland, Lancaſter, York, and Cheſter; ſeveral of them with 200*l*, others with other ſums, but moſtly with the ſum of 100*l* conditionally that the inhabitants, incumbents, or others, would contribute another 100*l*, whereby to obtain the augmentation of queen Anne's bounty; which increaſed the charity quadruple. The remainder they beſtowed in other charities, according to the intention of the donor.

There is alſo in this town a *preſbyterian diſſenting meeting-houſe*, with other meeting-houſes of different denominations; particularly a large *quaker meeting-houſe*, ſeveral of the conſiderable tradeſmen of the town being of that perſuaſion. The quakers alſo have lately built an elegant ſchool-houſe for the inſtruction of youth.

On the weſt ſide of the churchyard ſtands the *free grammar ſchool*; being a pretty large building, and conſiderably endowed by king Edward the ſixth, king Philip, queen Mary, and queen Elizabeth.

In the 20 Eliz. on the ſale of the rectory of Burton in this county by the crown, there was a rent reſerved to the ſchoolmaſter of Kendal of 9*l* 5*s* 8*d* a year.

And in the 24th year of the ſame queen, an order was made in the exchequer, ſetting forth, that whereas it appeared from the accounts of the receiver of the crown revenues in Weſtmorland, that there had been yearly allowed out of the ſame, the ſum of 9*l* 5*s* 8*d*, for the maintenance of two curates (viz. 4*l* 12*s* 10*d* each) to ſerve within the pariſh church of Kendal and to be aiding and aſſiſting to the vicar there; which ſum, ſince the death of ſuch chantry prieſts as were admitted to ſerve there at the firſt diſſolution of chantries, hath been otherwiſe employed, as to the finding of ſinging men, and ſometimes to other uſes, according to the directions of the pariſhioners there; it was therefore ordered by the court (on petition of the inhabitants) that the ſaid ſum for the future be paid, towards the augmentation of the ſalary of the ſchool-maſter of the grammar ſchool there, over and beſides 10*l* a year already allowed him by the crown.

Other

Other benefactors to this ſchool were, Dr. *Airay* and Mr. *Richard Jackſon.* Which laſt had been ſchoolmaſter here, and removed to Appleby: He gave 100 *l*, the intereſt thereof to be applied to the benefit of the ſchoolmaſter. In 1717, it was certified, that the maſter's ſalary is 28 *l* 13 *s* 4 *d* yearly; *viz.* 19 *l* 5 *s* 4 *d* out of the crown rents, and 9 *l* 8 *s* 0 *d* paid by the chamberlains of Kendal; and that there is likewiſe 8 *l* a year to an uſher paid by the ſaid chamberlains, which was given by Mr. Johnſon formerly uſher himſelf. Both which ſums, to the ſchoolmaſter and uſher, are paid by the chamberlains out of lands given to them for that purpoſe. Both maſter and uſher are nominated by the mayor and aldermen.

Dr. *George Fleming*, 6 March 1627, gave 40 *s* yearly to poor ſcholars of the burgh of Kendal going to Queen's college in Oxford, to be paid by the mayor and aldermen.

Mr. *Henry Park*, alderman, by his will dated 8 Apr. 1631, gave to the aldermen of Kendal 100 *l*, upon truſt, that the intereſt thereof be given to a poor ſcholar from Kendal ſchool to Oxford, without mentioning any college, for four years: The ſaid ſcholar to be of the pariſh of Kendal, Millom, or Heverſham.

Mr. *Joſeph Smith* gave 20 *s* a year for a poor boy from the ſaid ſchool, to Queen's College in Oxford, to be paid to him by the mayor and aldermen.

Mr. *Sands* gave 100 *l* to the ſaid college, in truſt to pay 5 *l* yearly for 7 years, to ſuch boy going from Kendal ſchool, as the mayor and aldermen ſhall appoint.

Mr. *Jopſon* gave an exhibition of 40 *s* a year to a boy going from Kendal ſchool to the ſaid college.

Mr. *Henry Wilſon* gave three exhibitions for poor boys going from Kendal ſchool to the ſaid college, to be paid out of the tithes of Farleton; together with four exhibitions from Kirkby Lonſdale: which then were 35 *l* for the whole, or 5 *l* a year each.

There is alſo an *hoſpital* or *charity ſchool*, of the foundation as followeth; *viz.* By indenture, bearing date Sept. 6. 1670, between *Thomas Sands* of Kirkby Kendal gentleman of the one part, and the mayor, aldermen, and burgeſſes of the borough of Kirkby Kendal aforeſaid of the other part; reciting, that whereas the ſaid Thomas Sands hath gained a conſiderable ſhare of his temporal eſtate by buying and ſelling of woollen cottons, commonly called Kendal cottons, and being mindful to ſet apart one convenient dwelling-houſe within Kirkby Kendal aforeſaid, for the uſe of eight poor widows, to exerciſe carding and ſpinning of wool, and weaving of raw pieces of cloth for cottons called Kendal cottons; and for the uſe of a ſchoolmaſter to read prayers to the ſaid widows twice a day, and to teach poor children till prepared for the free ſchool of Kendal or elſewhere: He therefore the ſaid Thomas Sands grants to the ſaid corporation certain meſſuages and lands for the purpoſes aforeſaid. The widows to be of the age of 52 years or upwards; three of them to be choſen out of Stricklandgate, three out of Strammongate and Highgate, one out of Strickland Roger and Strickland Ketel, and one out of Skelſmergh and Patton. The overſeers of the poor of the reſpective places, to nominate (on a vacancy)

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two to the ſaid truſtees, out of which they to chuſe one. On default of the overſeers, the mayor, ſenior alderman, vicar, and ſchoolmaſter of Kendal, or the major part of them (of whom the mayor to be one), ſhall have power to appoint: Who ſhall alſo in like manner appoint the ſchoolmaſter. The widows to have each four marks a year, and the ſchoolmaſter the reſidue of the rents and profits of the eſtates.

In the body of the church, upon the 4th pillar in the 2d north ſide alley, is a fair marble monument, with an inſcription, in memory of the ſaid Thomas Sands: and the arms thereupon of the family of Sands in Lancaſhire. Unto which arms, Mr. Machel (who was a ſtaunch royaliſt) obſerves, that the ſaid Thomas Sands had no title, being of mean extraction, and having no arms but what he took up againſt the king. And he adds, that Mr. Sands's charities would have been more laudable, if what he gave had not been obtained by ſequeſtrations.

In the year 1671, the truſtees for ſale of the fee farm rents of the crown, for the ſum of 1640*l* 11*s* 6*d*, conveyed to the aforeſaid Thomas Sands of Kendal gentleman, his heirs and aſſigns, the ſeveral fee farm rents following, *viz.* 95*l* 6*s* 8*d* reſerved and iſſuing out of and for the park of Kendal, then or late payable by Henry lord Herbert (and this was the *Herbert-ſilver* above mentioned); 1*l* 6*s* 8*d* reſerved and iſſuing out of the town of Apulby, and payable by the burgeſſes of the ſame; 20*s* reſerved and iſſuing out of the borough of Kirkby in Kendal, payable by the mayor, aldermen, and burgeſſes.

Dorothy Brathwaite, widow of Thomas Brathwaite of Burneſhead eſquire, by her will in 1623, gave 50*l* to be laid out in land, and the profits thereof to be given to poor houſholders in Kendal, at the diſcretion of her ſon Richard Brathwaite and his heirs owners of Burneſhead, and the aldermen of Kendal for the time being.

Rowland Wilſon of the city of London eſquire gave 1*s* weekly to the poor of Kirkby Kendale for ever, to be laid out in bread, and diſtributed every Sunday at the diſcretion of the miniſter and churchwardens.

Mr. *John Robinſon* of Lane-foot in Strickland Ketel by his will gave 1*s* weekly to be diſtributed in the church at the like diſcretion of the miniſter and churchwardens.

Mr. *Janſon* gave ſome fields in the park lands, and ſome burgage rents in Kendal; out of which, 6 poor men of 50 years of age or upwards receive 20*s* a year each; and the remainder is laid out in cloth, which furniſhes about 40 new coats yearly to other poor men belonging to the town.

There is alſo the ſum of about 13*l* a year, given by Mr. *Towers* and Mr. *Park*; to be laid out in cloth, and diſtributed amongſt the poor at Chriſtmaſs.

And the intereſt of 120*l* given by *John Priſſoe*; to be diſtributed yearly at Chriſtmaſs to poor houſekeepers: With which money two incloſures were purchaſed within the Church-fields, now let to farm for 8*l* 5*s* 0*d* a year.

And 6*l* 10*s* yearly, given by Mr. *Fleming*; to be diſtributed amongſt the poor on Good Friday.

Mr.

Mr. *Bryan Lancaſter* gave an eſtate to the ſociety of Quakers; out of which, ſix poor men (not Quakers) receive 20*s* a year each, and ſix poor women 10*s* a year each.

Alſo the rents and profits of an houſe in the poſſeſſion of Mr. John Sleddale and William Lawn were given by Mr. *Stephenſon* of Dodding-Green to truſtees for the uſe of the poor; which are yearly diſtributed.

And 30 *blue-coat boys* are cloathed and educated chiefly by voluntary ſubſcriptions.

And Dr. *John Archer* late of Oxenholme deceaſed gave a field in the Park lands, the profits whereof are yearly to be applied to the cloathing of 6 poor men and 6 poor women; and the ſurplus to the charity ſchool.

There is a ſtipend alſo of 15*l* 12*s* 0*d* a year for an afternoon lecturer in the church, to be choſen by the mayor and aldermen, and paid by them.

In the 7th year of the reign of king George the third, an act of parliament was obtained for incloſing a parcel of ground within the borough of Kirkby in Kendal, called *Kendal-fell*, for the uſe of the poor there; and for cleanſing and enlightening the ſtreets of the ſaid borough: And on the credit of the ſaid act, money was borrowed, wherewith at the north end of the town was erected a neat, airy, pleaſant building, large enough to contain 80 poor perſons, who have a maſter and miſtreſs that preſide over them, and employ them in ſuch work as their age and infirmities will admit of.

In the 50 Ed. 3. there was a grant of pontage for five years, for repairing the *bridge* at Kendal. At preſent there are three bridges over the river Kent: Two of which are repaired by the corporation; and the third, to wit, Strammongate bridge, is repaired one fourth by the corporation, and three fourths by the county.

Eaſtward from the town, on the oppoſite ſide of the river, ſtands the *caſtle*, ſituate on an hill, with a fair and beautiful proſpect. It was old and decayed even in Camden's time, and hath been never ſince repaired.

There was a large demeſne belonging to the caſtle, and a park with deer, which was diſparked in the 8th year of queen Elizabeth. The adminiſtration of the affairs and revenues thereof ſeems to have been divided into two diſtinct ſtewardſhips, bearing the name to this day of Upper Graveſhip and Nether Graveſhip.

Oppoſite to the caſtle, on the other ſide of the town, is a large artificial mount, called *Caſtle how-hill*; which, from its name, ſeems to have been intended as a fort: It is within ſight of the Roman ſtation at *Water-crook*; and is very like the exploratory mounts, Mr. Horſley obſerves, which are to be ſeen in other places, eſpecially near the military ways: But whether it is Roman, and relates to the ſtation; or more modern, and erected with a view to the caſtle; he doth not take upon him to determine. *Horſl.* 484.

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In this town was born Dr. *Barnaby Potter*, biſhop of Carliſle; and Dr. *Chriſtopher Potter*, provoſt of Queen's college in Oxford; and Dr. *Thomas Shaw*, principal of Edmund Hall, and author of a learned and ingenious book of travels, which bears his name.

There hath been alſo at this place a reſpectable family of the name of CHAMBRE *(De Camera)*, for many generations. The firſt of which name that hath occurred to us, was,

1. *Hugh de Chambre*; who, towards the beginning of the reign of king Henry the third, was aſſeſſed 16*d* for the 20th part of one knight's fee at Kendal.

2. The next that we meet with was *John de la Chamber*; who, together with Sybil his wife, in the 9 Ed. 1. conveyed by fine certain lands in Skelſmergh, Sizergh, and Stirkland Ketel, to Nicolas de Laybourne and Margaret his wife. And the ſaid John and Sybil purchaſed of William ſon of Robert de Stirkland knight the demeſne lands of Houwys, which to this day bear the name of Chambre Hawes.——This John had iſſue,

3. *John del Chambre*; who in the 36 Ed. 3. had ſome remaining parts of the ſaid Hawes from Richard Carus and Agnes his wife in exchange for his lands in Watchfield. And in this ſame year, he was a juror in the king's bench at Weſtminſter, in a cauſe between the abbot of St. Mary's York and Walter de Helton concerning a meſſuage in Colby. And in the 49 Ed. 3. he was one of the jurors upon the inquiſition after the death of Johan de Coupland aforeſaid.

4. Probably about this time comes in another *John*; for in the 15 Ric. 2. we find *John Chambyr* executor of the will of *John* de Helſington, And in the 6 Hen. 4. *John del Chambre* was one of the jurors upon the inquiſition after the death of William Parr. And in the 9 Hen. 4. after the death of John Parr.

5. *Thomas Chamer*, in the 24 Hen. 6. was a witneſs (together with John Pennington knight, and Richard Redman and John Betham eſquires) to the grant of an houſe in Kirkland.

6. *Thomas Chammer*, ſon of Thomas, was party and witneſs to ſeveral deeds in the reign of king Henry the ſeventh.

7. *Walter Chamber* was witneſs (and ſometimes obligee) in ſeveral bonds in the reign of Hen. 8. In the 20th year of that king, he purchaſed for his ſon the marriage of Jane one of the 4 daughters and coheirs of Thomas Weſſington of Hallhead-hall eſquire.

8. *Robert Chambre*, ſon of Walter, in the 22 Hen. 8. appears to have had the ſite of Hallhead hall, in virtue of the ſaid marriage. It is a demeſne in Strickland Ketel, and ſtill enjoyed by that family. In the next year, a diviſion was made of Weſſington's whole eſtate; whereby other lands were aſſigned to his other three daughters, Catherine wife of Miles Beck, Elizabeth wife of William Gilpin, and Margaret wife of Thomas Carus.

9. *Walter Chamber*, ſon of Robert, was a minor at his father's death, attaining only his full age in the 3 Eliz. He married Anne daughter of ——— Traves of Naitby in Lancaſhire eſquire; and was drowned in paſſing over the ſands in that county.

10. *Alan Chamber*, ſon of Walter. He alſo was a minor at the death of his father, and was granted in wardſhip to Sir Thomas Boynton in the 23 Eliz. being then only 16 years of age. The lands named in the grant are Hawes and Hallhead-hall, held by knight's ſervice; three meſſuages and tenements in Staveley, held of the queen in ſocage; one meſſuage and tenement in Sedgwick, by knight's ſervice; and 6 burgages in Kendal by ſocage. This Alan married Anne daughter of John Carlton of Beeforth near Birdlington in Yorkſhire; whoſe mother was daughter of Walter Strickland of Sizergh eſquire.

11. *Walter Chamber*, ſon of Alan. He ſued out a general livery of his lands in the 18th of James the firſt. He married Elizabeth daughter of William Pricket of Natland gentleman. He died at the age of 69 years, and was buried in Kendal church, Oct. 2. 1665.

12. *Alan Chamber*, his ſon, lived moſt of his time in Yorkſhire; where he married Dorothy ſecond daughter of James Moor of Angram Grange gentleman, by Anne his wife daughter and coheir of Michael Aſkwith of the ſame place gentleman. He was buried in the pariſh church of Coxwold in Yorkſhire, where a monument was erected to his memory, in 1690.

13. *Alan Chambre*, ſon of Alan. He varied in writing his ſirname from ſeveral of his late anceſtors, reducing it to the original orthography. He was barriſter at law; and married Mary the elder daughter and coheir of Marmaduke Trueman of Marderby Grange in the county of York, and by her had iſſue, (1) *Walter*. (2) *Alan*, who died unmarried. (3) *Jane*, married to William Symſon eſquire, ſenior alderman of Kendal, now living; unto whoſe ſon and heir apparent, Mr. Joſeph Symſon, we are obliged for ſeveral of the above particulars relating to the town of Kendal. Which William Symſon was ſon of Joſeph Symſon eſquire, ſenior alderman of Kendal; ſon of Robert Symſon, M. A. rector of Marton in this county.

14. *Walter Chambre*, barriſter at law, married Mary daughter of Jacob Morland of Capplethwaite eſquire; and by her had iſſue, (1) *Alan*. (2) *Jacob*, a clergyman. (3) *Walter*, a merchant in Whitehaven. (4) *Mary*, as yet unmarried.

15. *Alan Chambre*, barriſter at law; now living, and unmarried.

The bearings of this family are, 1. Or, a croſs erminee, 4 martlets riſing Sable: And for an augmentation, on a chief Azure, a ſnake coronee, devouring a child Proper, betwixt two roſes Gules. By the name of *Chambre*. 2. Argent, a cheveron Gules, between ten croſs croſslets Sable. By the name of *Weſſington*. 3. Ermine, on a bend Gules, three elephants heads Or. [It doth not appear to whom this quartering belongs; perhaps it was one of the bearings of Weſſington: For upon the marrying an heireſs, it was uſual to take not only the arms of that family, but the other arms alſo which that family quartered.] 4. Three aſſes Sable paſſant. By the name of *Aſkwith*. 5. Argent, a cheveron between 3 eſcallop ſhells Azure. By the name of *Trueman* †.

† The above account of this family is taken partly from an extract made from the family writings by Alan Chambre eſquire, grandfather of the preſent Alan, of which he gave a copy to biſhop Nicolſon; and partly from other evidences, as they occurred to us in the courſe of our inveſtigations.

Earls

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Earls of Kendal there have been ſeveral. *John* duke of *Bedford*, third ſon of king Henry the fourth, was advanced to that dignity by his brother king Henry the fifth. *John* duke of *Somerſet* was created Earl of Kendal by king Henry the ſixth. And by the ſame king Henry the ſixth, *John de Foix*, of a family of that name in France, for his faithful ſervices in the French wars, was preferred to that dignity; ſince which time, thoſe of that family write themſelves earls of Longueville and Kendal. *George*, prince of *Denmark*, huſband of queen Anne, was by king William created earl of Kendal.

There hath been alſo one *duke* of Kendal; namely, *Charles* third ſon of king James the ſecond when duke of York; but he died young.

And finally; *Erengard Meluſina Schuylenberg*, a German lady, who came into England with king George the firſt, was by him honoured with the dignity of *ducheſs* of Kendal.

HAVING thus finiſhed what we had to ſay concerning the town of *Kendal* and its environs; we proceed to the other parts of this extenſive pariſh, beginning with *Helſington* on the South, and ſo travelling Eaſtward through the ſeveral townſhips and manors, and from thence going about by the North and Weſt, until we arrive where we firſt ſet out.

HELSINGTON.

HELSINGTON, below Kendal, on the Weſt ſide of the river Kent, is part of the *Lumley Fee*; and in the 14 Ed. 3. by inquiſition after the death of *William de Thweng*, it appears, that the ſaid *William* died ſeiſed in his demeſne as of fee of the manor of *Helſington* with the appurtenances, and of the rent of free tenants and tenants at will there of 15 *l* 0 *s* 8 *d* a year, and that the capital meſſuage or manor-houſe there was worth nothing by the year, becauſe it was totally in ruins: For the Thweng family, having other and better eſtates elſewhere, probably never reſided at *Helſington*.

After this, we have found no further particular account of the manor of *Helſington*, till the reign of king Henry the eighth; when it appears to have been in the poſſeſſion of a family of the name of BINDLOSE; who had alſo *Borwick-hall* in Lancaſhire, and finally ſettled there.

And from them it ſeems to have been purchaſed by the BELLINGHAMS, who continued there till the laſt century, when this manor (and alſo *Over Levins*) was ſold to Colonel *James Grahme*, whoſe great grandſon HENRY earl of SUFFOLK and BERKSHIRE now enjoys the ſame.

There is a pedigree of BINDLOSE, which was delivered in at an herald's viſitation, in the 4th year of the reign of king Charles the firſt; which is as follows:

1. *William Byndloſe* of Haylſton in Weſtmorland, who lived in the reign of king Henry the eighth, had a ſon,

2. *Robert*

2. *Robert Byndloſe* eſquire, whoſe wife's name was Agnes Harriſon. They had iſſue 8 children. Amongſt whom were, *Robert* the eldeſt, and *Agnes* married to William Fleming of Ridal eſquire, and another daughter *Dorothy* married to Sir Thomas Brathwaite of Burneſhead knight.

3. Sir *Robert Byndloſe*, knight, married to his firſt wife Alice daughter of Lancelot Dockwray of Dockwray-hall in Kendal; and by her had two daughters, *Anne*, married to Henry Denton of Cumberland, and *Alice* married to Henry Banks of Bank Newton in Yorkſhire. By his ſecond wife, Mary daughter of Edmund Eltoft of Churchill in Yorkſhire, he had 5 children. The firſt, *Robert*; who died young. The ſecond ſucceeded his father, *viz.*

4. Sir *Francis Byndloſe* of Borwick knight. He was firſt married to Dorothy Charnock of Aſhley in Lancaſhire; by whom he had Mary, of the age of 5 years, at the viſitation aforeſaid in 1628. His ſecond wife was Cicely daughter of Thomas Weſt lord Delawar; and by her he had 4 children: The eldeſt was,

5. *Robert*, who had iſſue only a daughter, *Cicely*, married to William Standiſh of Standiſh in Lancaſhire.—And here ended the family of *Bindloſe*, of which we have thought proper to give this account, as it is often mentioned in the tranſactions of thoſe times.

Their arms were; Quarterly, parted per feſs indented Or and Gules, on a bend Azure a cinquefoil between two martlets of the firſt. The Creſt; a demihorſe couped, with a ducal flouriſhed collar Azure †.

It was in the time of the firſt or ſecond of the above ſeries, that ALAN BELLINGHAM eſquire purchaſed the manor of Helſington. Which *Alan* was of a younger houſe of the *Bellinghams* of *Burneſhead*, and whoſe poſterity finally ſettled at *Levins*. And therefore his pedigree more properly belongs to *Burneſhead* until the ſeparation of this younger branch; and afterwards to *Over-Levins*, which was their laſt place of reſidence. Intermediately, they frequently reſided at *Helſington Laithes*, the manor-houſe of *Helſington*.

In *Helſington* there hath been a family at SIZERGH HALL, much more ancient than any of the name of *Bindloſe* or *Bellingham* as lords of the manor. Which family came from STRICKLAND (or rather STIRKLAND, which was the paſture ground of the young cattle called *ſtirks* or ſteers) in the pariſh of Morland in this county; in which part they had conſiderable poſſeſſions, as well as at *Sizergh* and other adjacent places, generally holden under the barons of Kendal. For the barony of Kendal, as we obſerved before, extended further than the preſent diviſion thereof, and eſpecially into the weſtern part of what is now called the Bottom of Weſtmorland.

It is ſomewhat extraordinary, that amongſt the pedigrees of almoſt all the other ancient families in this county, we have met with no ſatisfactory account of this family; but by the indulgence of the late worthy owner of Sizergh-hall, Charles Strickland eſquire, we have been enabled to make out a regular and

† Machel. Fleming.

authentic

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authentic deduction of this family from the clearest and most undeniable evidence, namely, the family writings. From whence, and from other informations as they have occasionally fallen in our way, our history of this family proceeds as follows:

1. The first of the name of *Stirkland* that we have met with, was in the reign of king John; when Gilbert son of Roger Fitz-Reinfred, falling under the displeasure of that prince for his having sided with the rebellious barons, was required in the 17th year of that king to give hostages for his future good behaviour; which hostages were the sons or daughters and heirs of divers of the principal mesne lords holding under the barons of Kendal: amongst whom was the son and heir of WALTER DE STIRKLAND.

In the time of Hugh bishop of Carlisle, who came to the see towards the beginning of the reign of king Henry the third, this *Walter de Stirkland* knight had a licence to keep a domestic chaplain in his family within the parish of Morland, so as it should be no prejudice to the mother church. For the assurance whereof, he gave juratory caution, that his chaplain should not injure the mother church in her revenues or in any other respect *.

The same *Walter de Stirkland*, knight, granted to the church of St. Mary's York, and to the prior and monks of Wederhal (which was a cell of the abbey

* Omnibus Christi fidelibus, ad quorum notitiam præsens scriptum pervenerit, Walterus de Styrkeland, miles, æternam in domino salutem. Noveritis, me promisisse pro me et hæredibus meis indemnitatem matricis ecclesiæ de Moreland in omnibus, pro cantaria habenda in capella mea quam habeo in curia mea de Stirkelaund; quam cantariam tam R. abbas et conventus Sanctæ Mariæ Eborum, patroni ejusdem ecclesiæ, quam Michael tunc temporis vicarius ejusdem, mihi concesserunt. Ita quod capellanus meus, quicunque pro tempore deserviet illi capellæ, jurabit fidelitatem et obedientiam vicario matricis ecclesiæ de Morelaund et rectoribus ejusdem ecclesiæ qui pro tempore fuerint, et illis præsentabitur, et per eos in capella serviet. Ita tamen quod ego et hæredes mei tam capellæ, quam capellanis, in omnibus competenter providebimus. Jurabit autem capellanus meus, in capella mea ministrans, quod nullum parochianorum de Morelaund, nec aliquem extraneum, recipiet ad confessionem, vel ad alia divina officia, vel sacramenta, in prejudicium matricis ecclesiæ de Morelaund et rectorum ejusdem qui pro tempore fuerint; et quod omnes oblationes et obventiones qualescunque fuerint, et undecunque provenerint, fideliter et integre sine aliqua detentione matrici ecclesiæ persolvet, et fidelis tam matrici ecclesiæ prædictæ quam rectoribus ejusdem in omnibus existet.—Præterea, Ego Walterus juravi, pro me et hæredibus meis, quod (sicut prædictum est) nullum parochianorum vel aliorum permittam admitti ad divina officia; vel oblationes, vel obventiones, a capellano meo ibidem detineri.—Præterea juravi, pro me et hæredibus, quod fideliter persolvemus matrici ecclesiæ omnes decimas domus meæ, tam majores quam minores, tam animalium quam servientium.—Præterea juravi, quod ego et uxor mea, cum familia mea, debitis et consuetis solemnitatibus, sc. die Natali, Purificationis, Resurrectionis, et Assumptionis, cum debitis et consuetis oblationibus et obventionibus, matricem ecclesiam prædictam visitabimus.—Præterea juravi, pro me et hæredibus meis, quod si ego, vel hæredes mei, vel capellanus noster, aliquando contra aliquem articulum in hoc scripto insertum in aliquo excesserimus, et post primam admonitionem competenter non satisfecerimus super prædicto excessu, licebit rectoribus vel vicariis matricis ecclesiæ qui pro tempore fuerint, me et capellanum meum per sententiam excommunicationis sive suspensionis in me et capellanum meum et etiam in capellam meam ferendam, omni appellatione et cavillatione sive quolibet juris remedio remotis, ad condignam compellere satisfactionem.—Juravi etiam, pro me et pro dictis hæredibus meis, quod nunquam aliquid impetrabimus contra matricem ecclesiam, quo minus hoc præsens scriptum ratum et stabile permaneat in perpetuum: Quod si aliquo casu impetratum fuerit, authoritate præsentis scripti irritum sit et inane.—Insuper autem, præter prædictam juratoriam cautionem, per sigillum meum huic scripto appositum me et hæredes meos ad omnia supra scripta fideliter observanda in perpetuum obligavi. Hiis testibus, &c. *(Regist. Wetheral.)*

of

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of St. Mary's York) four acres of land in the territory of Stirkeland (ſpecifying the particulars), with liberty to grind the corn growing thereupon at his mill of Stirkeland moulter-free. Witneſſes of which grant were, Ralph prior of Carliſle, Maſter G. (that is, Gervaſe Lowther) archdeacon, Sir W. official of Carliſle, Richard Brun and Thomas ſon of John ſheriffs of Cumberland and Weſtmorland, Robert de Caſtelkairoc brother of the ſaid Walter, Adam ſon of the ſaid Walter, Walter dean (rural) of Weſtmorland, Michael vicar of Morlaund, John ſon of William, Thomas de Lowther, Thomas Frances, Adam and Robert his ſons, Hugh Frances, Adam de Slegyle, Stephen and Robert de Newby, and others. *Regiſt. Wether.*

The names of the ſheriffs here mentioned nearly aſcertain the time of this grant. For in the 15 and 16 Hen. 3. Walter biſhop of Carliſle was ſheriff of Cumberland, and Thomas ſon of John his deputy. The ſheriffwick of Weſtmorland was then become hereditary in the Veteripont family, ſo that either of theſe perſons could only be under-ſheriff there.

Another thing alſo we learn from hence, that this Sir *Walter de Stirkland* had a ſon *Adam*, perhaps the ſame that was delivered to king John as an hoſtage. And this helps to compleat our pedigree. For in the 20 Ed. 1. *William de Stirkland* knight confirmed this grant, which he ſtyles the grant of Walter de Stirkland his *great grandfather*. This *William* is mentioned as ſon of *Robert*. And if we ſuppoſe *Robert* to be ſon of *Adam*, we have then a compleat ſeries from *Walter* down to the ſaid *William*. Therefore we aſſume as ſecond in our pedigree,

2. ADAM DE STIRKLAND, ſon of *Walter*.

3. ROBERT DE STIRKLAND knight. This *Robert*, by deed dated at his manor of Great Strickland on the eve of St. John Baptiſt in the 23 Hen. 3. granted to *William* his ſon and *Elizabeth* daughter of Ralph Daincourt knight, on their marriage, his whole manor of Great Strickland, with the ſervices of free tenants there, together with the mill, woods, paſtures, and other appurtenances; to hold to them and the heirs of their bodies, remainder to his own right heirs. Witneſſes, Sir Thomas de Hellebeck, William de Warthecop, Henry Tyror, and others.—This Ralph Daincourt had a ſon Ralph, who died without iſſue; and Elizabeth ſucceeded to the inheritance.

The ſaid *Robert* was witneſs to a grant of lands at Thrimby to the abbey of St. Mary's York, together with Thomas de Muſgrave then ſheriff of Weſtmorland, and other witneſſes. Which Thomas was under-ſheriff to Robert de Veteripont in the latter end of the reign of king Henry the third.

4. WILLIAM DE STIRKLAND knight, ſon of *Robert*. In the 4 Ed. 1. he was under-ſheriff of the county.

In the 6 Ed. 1. we find *William de Strikeland* in poſſeſſion of a third part of the manor and advowſon of the church of Lowther.

By deed without date, John ſon of Thomas de Levens grants to *William de Stirkland* knight, ſon and heir of *Robert de Stirkland* knight, lands in the Howes, which lands he had from his mother Alice del Howes. Witneſſes, Roger de Burton, Richard de Preſton, knights; William de Windſhover, Matthew de

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Redman, John and Benedict Garnet, John de Camera (or Chambre), and others.

In the 17 Ed. 1. the ſaid *William* granted to John de Camera and Sybil his wife the demeſne lands of Howes, adjoining to thoſe of Sizergh. Witneſſes whereof were, John de Roſgill, Robert le Englays, Roger de Burton, Richard de Preſton, knights; William de Windeſhovere, Gilbert de Culwen, Jeffrey de Melcanthorp, Alan Clericus, and others.

The ſaid *William de Stirkland* married as aforeſaid Elizabeth ſiſter and heir of Ralph D'Aincourt. And in the 20 Ed. 1. there is a letter of attorney from *William de Stirkland* to Baldwin de Schepſheved to deliver ſeiſin to *Walter* his ſon, of lands that had been his mother's, and other lands at Howes and Brigſteer.

In the ſame year, this *William de Stirkeland*, knight, grants and confirms as is aforeſaid, to God and St. Mary and the abbot of St. Mary's York, and the monks of Wederhal, and of St. Beg's in Coupland, all the lands which they then had, of the gift and grant of *Walter de Stirkland* knight his great grandfather, and all other his anceſtors, in the village and territory of Great Strikeland. Dated at Appilby on Thurſday next after the feaſt of St. Wylfrid the archbiſhop, in the year of grace 1292, and in the 20th year of the reign of Edward the king. Witneſſes, Michael de Hardclay, Thomas de Derwentwater, Hugh de Multon, knights; Robert de Warthwic, William de Wyndeſover, William his ſon, Adam de Haverington, and many others *.

In the 27 Ed. 1. *William de Stirkland* was collector of the fifteenths in the county of Weſtmorland †.

By deed without date, Peter de Brus grants to the ſaid *William* freedom from pulture of his foreſters, as well horſemen as footmen, and alſo from witneſman, in all their lands of Hakethorp, Natland, Syreſergh, and other places. Witneſſes, William de Pickering ſeneſchal, John de Burton, Roger de Barton, Henry Stanley, knights; Robert de Hormeſayt, Geoffrey de Wateby, Thomas de Lancaſtre conſtable, and others.

In the 32 Ed. 1. there was an agreement between Sir *William de Stirkland* and *Walter* his ſon, touching waſte and deſtruction in the lands that had been *Elizabeth*'s (mother of the ſaid *Walter)* in Haverſham, Barton, and Hakethorp; which waſte and deſtruction were releaſed by *Walter*, and thereupon Sir *William* releaſes to *Walter* his right to *Elizabeth*'s inheritance in Barton, with the ſervices of freemen therein; and all lands, poſſeſſions, and ſervices of free tenants, in the vills of Lowther and Lowther Quale, which he held of his wife's inheritance; rendering yearly 10*l* to Sir William at Stirkland during his life, with power of diſtreſs and driving it to Stirkland.

This *William* granted to the priory of Cartmel the chapel of Croſkrake in Stainton, which had been founded and endowed by Anſelm de Furneſs; with all its rights, members, and appurtenances.

The ſaid *William*, by deed without date, releaſes to William de Morland certain lands at Great Stirkland, which had been granted in truſt to Sir Richard

* Regiſtr. Wetheral.

† Machel from Dugdale.

de

de Agneta vicar of the church of Morland, for the uſe of Robert Timpleman, to hold of the ſaid Robert by the yearly rent of one pound of ginger: The ſaid *William* alſo grants, that the ſaid lands ſhall be free from ſuit to his mill at Stirkland. Witneſſes, Richard de Muſegrave, Adam de Haverington, Hugh de Sourby, Geffrey de Milkanthorp, Robert de Newby, Robert de Hodelſton, Thomas de Magna Stirkland, Adam de Helebek, and others.

5. WALTER DE STIRKLAND, knight, ſon of *William*. This *Walter* ſeems to have had a brother *William:* for there is a releaſe from Margaret late wife of Hugh de la Vale, in her chaſte widowhood, to this *Walter*, of lands in Stainton, which had been given by *William de Stirkland* to *William de Stirkland* her firſt huſband. Witneſſes, Hugh de Louther, Walter de Weſſington, Robert de Swinburne, Thomas de Weſſington, and others.

He had alſo a ſiſter *Johan*; to whom, together with her huſband Robert de Weſſington, he gave 9 meſſuages, 5 oxgangs, and 40 acres of land, in frank marriage.

In the 35 Ed. 1. the king grants to his truſty and well beloved *Walter de Stirkeland* knight, free warren in all his demeſne lands of Helſington, Heverſham, and all other his lands in the county of Weſtmorland; for his good ſervices in the parts of Scotland.

About the ſame time there was an agreement between the abbot and convent of St. Mary's York, and *Walter de Stirkland* knight, concerning a way in Helſington in the territory of Sizergh, for leading the tithe belonging to the church of Kendal. Witneſſes whereof were, Nicholas de Layburn, Thomas de Pickering, Robert de Aſkeby, knights; Henry de Warthecopp, Patric de Culwen, and others. The original of which is yet extant at Sizergh, under the abbey ſeal, very fair.

This Sir *Walter* was knight of the ſhire for Weſtmorland, in the firſt, and again in the ſixth year of Edward the ſecond.

In the 15 Ed. 2. *Walter de Stirkland* was appointed ſheriff of the county of Weſtmorland, from the 10th of February in that year, *quamdiu ſe bene geſſerit* *.——And this moſt probably was, upon the attainder of Roger de Clifford in that year, for adhering to Thomas earl of Lancaſter.

In the next year, there is an indenture, reciting that a *Quare Impedit* had been depending in the common pleas, between *Walter de Stirkland* plaintiff, and the prior of Watton defendant, concerning the advowſon of the church of Lowther, in Hilary term in the preſent year, and that they accorded that the prior ſhould have the preſentation for the then turn, vacant by the death of William del Chappell, according to a compoſition before the juſtices in Eyre at York in the 8 Ed. 1. between this prior's predeceſſor complainant, and William de Stirkland defendant, concerning the advowſon of the ſaid church: And it is agreed, that Walter and his heirs and the prior and his ſucceſſors ſhall preſent by turns. In the ſame year, and again in the 17 Ed. 2. he was knight of the ſhire.

* Machel from Dugdale.

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In the 6 Ed. 3. there is an indenture between William de Thweng knight and *Walter de Stirkland* knight, whereby it is agreed, that the ſaid *Walter* ſhall incloſe no more of the waſte belonging to Brigſteer, but what was already incloſed ſhould ſo remain. The ſaid William de Thweng reſerving to himſelf and his heirs, and to his fiſhermen of the Fors a bridle way through the lands ſo incloſed, to and from his fiſhery of the Fors at all ſeaſons: And confirming to the ſaid *Walter* his right of common, and liberty to cut down timber and underwood in all the woods there ſpecified, for the uſe and ſervice of his manor of Syreſergh and tenants of Helſington. Reſerving alſo to the ſaid William and his heirs their free chaſe.—In the ſame year he was knight of the ſhire.

In the 7 Ed. 3. Sir *Walter Stirkland* grants to his ſon *John* all his lands of Whinfell, with the ſervices of his free tenants there, remainder to his ſon *Thomas*, remainder to his ſon *Ralph*, in tail male, remainder to his own right heirs. Witneſſes, Ralph de Betham, Roger de Brunoleſheved, knights; Thomas de Roos, Richard de Preſton, Matthew de Redman, and others.

In the 9 Ed. 3. he obtained a grant to incloſe his wood and demeſne lands at Sireſergh, and to make a park there, and hold the ſame ſo incloſed to him and his heirs for ever.

This Sir *Walter*, on the marriage of his eldeſt ſon *Thomas*, with Cecilia daughter of Robert de Wells, ſettled the manor of Hackthorp and his lands in Over Winder, Croſtormont, and Thorp in Barton, and a meſſuage and 9 acres of land in Great Strickland, on the iſſue of that marriage, remainder to the heirs of the body of the ſaid *Thomas*, with remainders to *John* and *Ralph* his other two ſons. Witneſſes, John de Stirkland, Hugh de Lowther, John de Roſegill, Gilbert de Lancaſtre, knights; William Lengleys of Aſkolm, Robert de Cliburn, Henry de Cundall, John ſon of Robert de Stirkland, and others.—The ſaid *John* the ſon was knight of the ſhire in his father's life-time in the 1 Ed. 3. And in the 10 Ed. 3. he was ſheriff of the ſaid county.

In the 17 Ed. 3. this Sir Walter was again knight of the ſhire, and ſoon after died.

6. THOMAS DE STIRKLAND knight, ſon of *Walter*.—In the 23 Ed. 3. he was witneſs to a grant of lands by the abbot and convent of Shap to Sir Hugh de Lowther. Sir *John de Stirkland*, ſon of *Robert* was another witneſs.

In the 31 Ed. 3. Roger de Clifford (on his going over with the king into France, as it ſeemeth) aſſigns to Sir *Thomas de Stirkland* knight and Hugh de la Courſe, in truſt, all his lands in England and Ireland, and alſo the reverſion of the lands which his mother Iſabella de Clifford was then in poſſeſſion of. Dated at his caſtle of Appleby. The ſeal of this inſtrument is very perfect.

In the 35 Ed. 3. a patent was granted to *Thomas de Strikeland* to impark his woods in Helſington, Levenes, and Hackethorp, containing 300 acres; for his good ſervice done in the parts of France *.

* Machel from Dugdale.

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In the ſame year, Katharine de Roſs, daughter of the ſaid Sir Thomas, and widow of John de Roſs of Kendal caſtle, in her lawful and chaſte widowhood, aſſigns over to her ſaid father the wardſhip and marriage of her daughter Elizabeth de Roſs then in her cuſtody. Which Elizabeth was afterwards married to William del Parr knight.

In the 36 Ed. 3. there is an indenture of covenant between Sir *Thomas Strickland* knight and Ranulph de Dacre lord of Gilſland, concerning the marriage of *Walter* ſon and heir of the ſaid Thomas, with Margaret de Latham niece to the ſaid Ranulph; and Ranulph was to pay, in conſideration of the ſaid marriage, 20*l* a year out of his lordſhips of Halton and Kellet in the county of Lancaſter (to be paid at Halton), till 240 marks ſhould be diſcharged.

In the 40 Ed. 3. this Sir *Thomas* made a ſettlement of lands at Siggeſwick and Levins, upon his younger ſons *John*, *Peter*, and *Thomas*, ſucceſſively, for life; remainder to his own right heirs.

In the 46 Ed. 3. he preſented *Walter de Wells* (probably a relation of his wife) to the rectory of Lowther.

He died about the laſt year of that king's reign, and his youngeſt ſon *Thomas* was his executor; as appears by a receipt from the abbot of St. Mary's York, of 4*l* due from his father to the ſaid abbot.

7. Sir WALTER DE STIRKLAND knight, ſon and heir of *Thomas*.—In the 1 Ric. 2. this *Walter*, by an indenture dated at Lowther, becomes bound to John de Arleton and Alexander Walker, in the penal ſum of 100*l*, to preſent to the next vacancy of the church of Lowther, John ſon of the ſaid Alexander and Agnes his wife; and if John ſhall not accept the ſame, then they were to forfeit to the ſaid *Walter* the ſum of 20 marks. (From the biſhop's regiſter it appears, that this John was not preſented.)

The ſaid *Walter* had no iſſue by his firſt wife Margaret aforeſaid, daughter of Sir Thomas de Latham.—He married, to his ſecond wife, Iſabella, daughter of John de Olney; which John, in the 5 Ric. 2. ſettled upon the iſſue of that marriage, a tenement in London, known by the name of the Great Place, ſituate in the pariſh of St. Mary at Hyll, with the advowſon of the ſame church; with all his other lands, tenements, and houſes within the liberties of London; as alſo a moiety of the manor of Compton Chamberlyn in the county of Wilts, with the advowſon of the church of Berford.

In the 14 Ric. 2. he was eſcheator for the king on the inquiſition *poſt mortem* of Thomas de Roos; and at the ſame time *John de Stirkland* (his brother) ſtands firſt in the liſt of jurors.

In the 18 Ric. 2. he was knight of the ſhire for Weſtmorland.

In the 6 Hen 4. he was one of the jurors on the inquiſition *poſt mortem* of William del Parre.

He ſeems to have had a third wife Alice; for in the 9 Hen. 4. there is a releaſe from Alice late wife of *Walter de Stirkland* knight, to Sir *Thomas de Stirkland* knight and Mabel his wife of all her right of dower in the lands and tenements of which they were then infeoffed.

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[A relation of this family was *William de Strickland*, who in the latter end of the reign of king Richard the ſecond was choſen biſhop of Carliſle; but being then oppoſed, he was again elected, and conſecrated, in the firſt year of king Henry the fourth. He built one of the towers at Roſe Caſtle, which ſtill beareth the name of Strickland Tower. And at his own charges he cauſed a channel for a watercourſe to be made for the uſe of the town of Penrith, out of Petterill a ſmall river in Cumberland.]

8. Sir THOMAS DE STIRKLAND knight, ſon and heir of *Walter*.—In the 5 Hen. 5. he conveyed his whole eſtate to truſtees, that if he ſhould die in his voyage to ſerve the king, they ſhould enfeoff Mabel his wife therein, during her chaſte viduity; and if ſhe ſhould die before his ſon *Walter* ſhould come of age, then they were to receive the profits during his nonage, delivering the ſame to William de Tunſtall and John de Weſſington.

In the 5 Hen. 6. the ſaid Sir *Thomas* and Nicholas de Crofte eſquire enter into articles and mutually bind themſelves in the penal ſum of 400*l* for the ſolemnization of a marriage between *Walter* ſon and heir apparent of the ſaid Sir *Thomas*, and Douce daughter of the ſaid Nicholas, when he the ſaid *Walter* ſhould attain his age of 14 years. Which marriage was in due time ſolemnized accordingly.

In the 6 Hen. 6. on an inquiſition of knights fees in Weſtmorland, it appears, that Sir *Thomas Stirkland* knight held the third part of a knight's fee of Thomas Lumley then in ward to the king in Helſington, Haverſham, Barton, Lowther, Whale, Hackthorpe, and Strickland Ketel.

In the next year he repreſented the county of Weſtmorland in parliament.

In the 9 Hen. 6. Sir *Thomas* went to London, and joined in the ſolemn cavalcade that was to attend the young king to Paris in order to his coronation. At Sandwich he made his will, and ſent it down to Mabel his wife; which was as follows:

" In Dei nomine. Amen. In the year of the reign of Hen. 6. after the " conqueſt of England the nent. I *Thomas Styrkland* knight, in gud proſ- " perity and hale mind, diſpoſe my will in the maner and form that followys. " Firſt, I betake my ſaule to almighty God and to his moder Mary, and to " all the holy court of heoven. And my body to be buryt in ſome haly kirke " or ſeyntwary quan almighty God ſhall ſee beſt tyme my ſaule to paſs fro this " warde. Alſo it is my will that Mable my wife be my hale exectrixe, and have " hale miniſtracion on all my gudys, with the helpe and conſel of Nyander " and John Wilſon if it like her. And if ought come to me but gude, I " will that my wiffe have all my landys, tentys, rents, and dues, with their " appurtenances, with all my gudys muvable and immuvabyll, during the " nonage of *Wat* my ſon, to the quiting of my detys, and marrying and " helping of my two doghtyrs, and finding a priſt to ſyngge for me and my " anceſtors at Synt Kattin's auter in Kirkby Kendale thre years. Alſo it is " my will that quan my ſon comys to full age, that he have his londys de- " livert to him, aw to have, except my wiffes joynter and her dower; alſo " what the deeds thereof make mencyon, except the lands and rents I have

" given

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" given to *Robert* my ſon for term of life, in the quilke Richard Broughton and " Thomas Broughton priſts ſtand enfeoffed. Praying yow endeavour to think " on *Robert* and hald him to the ſtole. Alſo it war my will, that ye take " none huſbond, te my two doghters were maryt or holpyn. And after my " dettes quitt and my doghters maryt, the ſurplus of guds demiſe ye me at " your awne will. Praying you to have me excuſſett yff I write ſo ſhortly, " for it was writen in gret haſt at my ſchiping in Sandwightith. And this " pray you be done als my moſt intire truſt is in you of all other creaturs " levyng."

In the 10 Hen. 6. Pope Eugenius the fourth granted to him and Mabel his wife licence for a domeſtic chapel and portable altar; which bull is yet extant, with the ſeal of lead very fair, about the breadth and ſomewhat more than double the thickneſs of an Engliſh half crown; with a croſs on one ſide, and underneath, EVGENIVS. P̄P. IIII. On the reverſe, two faces of venerable old men, and above, the letters SPASPE *.

10. WALTER STRICKLAND eſquire, ſon of Sir *Thomas*.—In the 15 Hen. 6. he had a grant of the office of keeper of the park of Calgarth: In the next year, the king appointed him receiver general of all his rents in and about Kendal, with a fee of 10*l per annum*, and 2*s* a day when upon the king's buſineſs. And after, in lieu of theſe, the king granted to him the pannage and herbage of the ſaid park, the fiſhing of Windermere, and all his lands and tenements in the hamlets of Applethwaite and Undermilbeck, for term of life, he paying to the king 5 marks yearly.

In the 18 of Hen. 6. he releaſed to the king the demand and claim of 1000 marks due to the ſaid *Walter* from the ſaid lord the king, for taking of Henry Talbot, a moſt notorious traytor *(proditoris excellentiſſimi)* of our lord Henry the fifth late king of England, by virtue of the proclamation of the ſaid late king; in conſideration of the king's granting to him the ſaid *Walter* the office of maſter of the king's dogs called *Heirers* †.

About the ſame time, he had a grant of certain alien abbey lands in the counties of Suſſex and Southampton for a term of years.

He ſeems to have been active and ſtrenuous in the Lancaſtrian cauſe, amongſt the civil diſſenſions of thoſe times: And of the forces he was able to raiſe,

* Eugenius epiſcopus, ſervus ſervorum Dei. Dilecto filio nobili viro Thomæ Stirkland militi, et dilectæ in Chriſto filiæ nobili mulieri Mabi læ ejus uxori, Eboracenis dioceſeos, ſalutem et apoſtolicam benedictionem. Sinceræ devotionis affectus, quem ad nos et Romanam geritis eccleſiam, non indigne meretur, ut petitionibus veſtris, illis præſertim quas ex devotionis fervore prodire conſpicimus, quantum cum Deo poſſumus, favorabiliter annuamus. Hinc eſt quod nos, veſtris devotis ſupplicationibus inclinati ut liceat vobis et cuilibet veſtrum habere altare portatile cum debita reverentia et honore, ſuper quo in locis ad hoc congruentibus et honeſtis poſſitis per proprium vel alium ſacerdotem ydoneum miſſam et alia divina officia, ſine juris alieni præjudicio, in veſtra ac familiarum veſtrorum domeſticorum præſentia facere celebrari, devotioni veſtræ tenore præſentium indulgemus. Nulli ergo omnino hominum liceat hanc paginam noſtræ conceſſionis infringere, vel ei auſu temerario contraire. Si quis autem hoc attemptare præſumpſerit, indignationem omnipotentis Dei et beatorum Petri et Pauli apoſtolorum ejus ſe noverit incurſurum. Datum Romæ apud ſanctum Petrum, anno incarnationis dominicæ milleſimo quadringenteſimo triceſimo primo, viii Kal. Julii, Pontificatus noſtri anno primo.

† Machel from Dugdale.

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with their proper habiliments, we have a muſter roll yet extant, which ſeems to have been made out chiefly in reſpect of the border ſervice. And an excellent method it was, in order to know what ſtrength every lord of a manor could bring into the field on any emergency. And as ſuch muſter roll contained the names of all perſons able to bear arms, we may from thence diſcover the increaſe or diminution of the number of people within the reſpective diſtricts: And the account will turn out not much in favour of population. In ſome of the manors ſpecified in the aforeſaid muſter roll, the numbers are decreaſed more than double *.

In

* The booke off Walter Strykelande eſquier & depute ſteward off Kendal, his ſervants, tenants, and inhabitants within the countie of Weſtmerland of his inheritance thayre.

The *howſeholde ſervants* of the ſaid Walter Strykelande:
Rowlande Becke, horſe harnes and a bowe.
Richard Atkinſon, horſe harnes and a bowe.
(And ſo, in like manner, nine ſervants more; with each, horſe harnes and a bowe.)

Natland.
Thomas Macareth, horſe harnes and a bowe.
Edward Macareth, horſe harneſs and a bowe. (With 7 more.)
Bylmen within the ſame:
Thomas Waryner, horſe harnes and a byll.
Thomas Syll, horſe harnes and a byll. (With 11 more.)
Foytmen, with ſome harnes, others none:
Thomas Spence; a jak, a ſallet, and a bowe.
Rowlland Myles; harnes, and a bowe.
Hew Hodſon, a bowe.
Bryan Hyggyn, a bowe.
Bylls:
Jhon Atkynſon, a jake and a byll.
Nycall Spyght, a ſallet and a byll.
Robert Strykland, a ſallet and a byll.
Henry Grenebanke, a byll.
James Kowper, a byll.
Edward Syll, a byll.
William Shipert, a byll.
Yongmen, bowys:
Nycholes Scherman, a bow, &c.
Yongmen, bylls:
George Bowman, a byll, &c.
Total in Natland, 55.

In *Stainton*, in like manner, 79.
In *Hencaſter*, 16.
In *Syggyſwyke*, 48.
In *Whynfell* (that is, the moiety of it) 34.
In *Wynder*: Jhon Smyth; a horſe, a jake, and a bowe.
Robert Walker; a horſe, ſtel coyt, and a bowe.
William Lawſon; a horſe, ſtel coyt, and a bowe.
Jhon Buſher, and 6 others, with each a horſe, a jake, and a bowe.
Bylls:
Thomas Smyth, and 4 others; a horſe, a jake, and a byll.
Footmen, without harnes:
Jhon Wynder, and 5 more; a bowe, or byll.
Yongmen:
William Smyth, and 6 others, each a bowe.
Total in Wynder 28.

In

In the 20 Hen. 6. he was knight of the ſhire for Weſtmorland.

In the 27 Hen. 6. he was retained (according to the cuſtom of thoſe times) by Richard earl of Saliſbury to ſerve him in peace and war. The original inſtrument of which retainer is yet preſerved at Sizergh hall, and is as follows: "This endenture made bitwen Richard Erl of Saliſbury on the tone partie, "and Waultier Strykland ſon and heir of Sir Thomas Strykland knyght on "the tothre, bereth witneſſe, that the ſame Waultier is beheſte [*retained*] and "with-holded with the ſaid Erl, for terme of his life, ayenſt al folkes, ſav-"ying his ligeance, And the ſaid Waultier ſhal bee wele and couvenably "horſede, armede, and arrayede, and alway redy to ride, come, and go with, "to, and for the ſaid Erl, at al tymes and into al places on this ſid and be-"yond the ſee, as wele in tyme of paix as of werre, that he bee warned by "the ſaid Erl on his behalve, at the wages and coſtes reſonnables of the ſame "Erl. Takyng the ſaid Waultier yerely for his fee of the ſaid Erl ten markes "of money of thiſſues and profitts of the lordſhip of Penreth, with thappur-"tenances; Givin by the handes of the receivor there beeing for the tyme, "at the feſtes of Martynmeſſe and Whitſonday by even porcōns. And the "ſaid Waultier ſhall take of the ſaid Erl in tyme of werre ſuche wages as then "he yeveth to othre of his degree rebatyng of ſuche wages of werre thaffer-

In *Hackthorp:*

Thomas Wyllen; a horſe, a jake, and a ſpere.
Henry Danſon; a horſe, a jake, and a bowe.
Jhon Chappelhow; a horſe, a jake, and a bowe.
Bylls:
Chriſtopher Wyllen, horſe harnes and a byll.
Rychard Mylne; a horſe, a jake, and a byll.
Robert Taylyer; a horſe, a jake, and a byll.
Chriſtopher Chappelhow; a horſe, a jake, and a byll.
Jhon Banke; a horſe, a jake, and a byll.
Jhon Dobſon, a horſe, a jake, and a byll.
William Hudſon, a horſe and a byll.
Footemen, with parte harnes:
Thomas Chappelhow, a jake and a bowe.
Renald Water, a jake and a byll.
Thomas Stevenſon, a jake and a byll.
Footemen, without harneſs:
Rychard Willen, a byll.
Hew Sands, a byll.
Yongmen:
Henry Sawkelt, a bowe.
Rolland Willen, a bowe.
Jhon Taylyer, a bowe.
Robert Myllne, a bowe.
Edward Ayray, a byll.

The hoole noumber: Bowmen horſyd and harnaſſed, lxix.
Bylmen horſyd and harnaſſed, lxxiiii.
Bowmen without hors harnaſſe, lxxi.
Bylmen without hors harnaſſe, lxxvi.
Totalis numerus CCLXXXX.

Note, The *jack* was a coat of mail, ſcale-wiſe, covered with leather, and in that reſpect differed from the ſteel coat. *Sallet* was an helmet of iron.

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" ranc of his wages in tyme of paix. And the ſaid Erl ſhal have the thrid of " al wynnyngs of werre to bee wonne or geten by the ſaid Waultier or eny of " his men that he ſhal have at the coſtes and wages of the ſame Erl. And if " eny captaigne or man of eſtate bee taken by the ſaid Waultier or eny of " his ſaid men, the ſaid Erl ſhal have him, dooying to the taker reſonnable " rewarde for him. In witneſſe of which thing, the parties aforeſaid to the " partes of this endenture have entrechangeably ſet their ſeals. Yeven the " furſt day of Septembre the xxvii yere of the reign of king Henry ſexe ſith " the conqueſt."

On the houſe of York prevailing, there was a reverſe of fortune to the friends and partizans of the houſe of Lancaſter. Accordingly, in the 1 Ed. 4. we find a charter of pardon granted to *Walter Strickland*, ſon and heir of Sir Thomas Strickland knight, of all treſpaſſes, treaſons, murders, and other offences, committed before the 4th day of November laſt.

In the 4 Ed. 4. *Walter Strickland* eſquire ſettles on Agnes wife of his ſon *Thomas* his manor of Wynder, with all his lands in the pariſh of Barton, and other lands in Kendale; remainder to the ſaid *Thomas* in fee.

This *Walter* had alſo a daughter *Margaret*, married to William ſon of Richard Redman, whoſe marriage portion was 200 marks. For which marriage a diſpenſation was obtained from Vincent Clement the pope's nuncio.

10. Sir THOMAS STRICKLAND knight, ſon and heir of *Walter*.—In the 1 Ric. 3. he grants to Thomas Chambre a meſſuage and 25 acres of land in Siggiſwick, paying to the ſaid Sir Thomas yearly two farthings for all ſervices.

In the 6 Hen. 7. he infranchiſed 82 tenants in the vills of Kirkby in Kendale, Seggiſwick, Hencaſter, Brigſter, Levens, Sizergh, and Stainton.

In the 9 Hen. 7. he ſetties divers lands on *Walter* his ſon and heir; whoſe wife's name was Elizabeth.

In the 10 Hen. 7. The right reverend father in God William abbot of St. Mary's York, and parſon of the pariſh church of Kirkby in Kendale, together with the convent, demiſe and leaſe to Sir *Thomas Strickland* knight all the tithes of Natland and the tithes of a moiety of Whinfell, for nine years.

11. WALTER STRICKLAND eſquire, ſon and heir of Sir *Thomas*.—In the 13 Hen. 7. he gave a letter of attorney to *Gervaſe Strickland* to take livery of all his lands in Weſtmorland.

In the ſame year, there is an indenture between this *Walter* of the one part, and John Preſton of Preſton-hall eſquire and Elyn late wife of Richard Redman of Thornton of the other part; whereby it is covenanted, that *Walter* ſon and heir of this *Walter* ſhall, within ten years after the execution of the ſaid indenture, marry Agnes daughter of the ſaid Richard Redman.

In the 16 Hen. 7. he granted all his lands to Sir Thomas Dacre knight, Thomas Parr, Thomas Middleton, John Pennington, eſquires, and *Thomas Strickland*, rector of the church of Gosford; together with the manors of Sizergh, Stainton, Siggiſwick, Hencaſtre, Natland, Whinfell, Hackthorp, Winder, with all the burgages in Kirkby in Kendale, with an acre and an half of

of land in Lowther, with the advowſon of the church there; in truſt for the purpoſes of his will. CHAP. VI.

12. Sir WALTER STRICKLAND knight.—In the 19 Hen. 7. he was conſtituted by George lord Lumley his ſeneſchal (or ſteward) of Kendal for life.

In the 10 Hen. 8. he had a charter of pardon for all treſpaſſes and neglect of homage, with a renewal of the grant of all the manors and lands which his father Walter was found ſeiſed of at his death, and were held of the king *in capite*.

This Sir *Walter* was much afflicted with an aſthma, which gave occaſion to the following indenture: "This indenture made 26 Apr. 18 Hen 8. between "Sir Walter Strickland knight, of one part; and Alexander Kenet, doctor of "phyſic, on the other part: Witneſſeth, that the ſaid Alexander permitteth, "granteth, and by theſe preſents bindeth him, that he will, with the grace "and help of God, render and bring the ſaid Sir Walter Strickland to per-"fect health of all his infirmities and diſeaſes contained in his perſon, and "eſpecially ſtomach, and lungs, and breaſt, wherein he has moſt diſeaſe and "grief; and over to miniſter ſuch medicines truly to the ſaid Sir Walter "Strickland, in ſuch manner and ways as the ſaid Mr. Alexander may make "the ſaid Sir Walter heal of all infirmities and diſeaſes in as ſhort time as "poſſible may be, with the grace and help of God. And alſo the ſaid Mr. "Alexander granteth he ſhall not depart at no time from the ſaid Sir Walter "without his licence, unto the time the ſaid Sir Walter be perfect heal, with "the grace and help of God. For the which care, the ſaid Sir Walter Strick-"land granteth by theſe preſents, binding himſelf to pay or cauſe to be paid "to the ſaid Mr. Alexander or his aſſigns 20*l* ſterling monies of good and "lawful money of England, in manner and form following; that is, 5 marks "to be paid upon the firſt day of May next enſuing, and all the reſidue of the "ſaid ſum of 20*l* to be paid parcel by parcel as ſhall pleaſe the ſaid Sir Wal-"ter, as he thinks neceſſary to be delivered and paid in the time of his diſ-"eaſe, for ſuſtaining ſuch charges as the ſaid Mr. Alexander muſt uſe in me-"dicine, for reducing the ſaid Sir Walter to health; and ſo the ſaid payment "continued and made, to the time the whole ſum of 20*l* aforeſaid be fully "contented and paid. In witneſs whereof, either to theſe preſent indentures "have interchangeably ſet their ſeals, the day and year above mentioned."—Sir Walter, nevertheleſs, died on the 9th of January following, as appears by inquiſition.

By his wife Agnes Redman he had no iſſue. He married a ſecond wife Catharine daughter and heir of Sir Ralph Nevell of Thornton Briggs in the county of York knight, by his wife daughter and coheir of Sir Chriſtopher Ward knight; by whom he had iſſue a ſon *Walter* who ſucceeded him, and two daughters, namely, *Elizabeth* married to Sir William Strickland of Boynton on the Would in the county of York knight, and *Agnes* married to Sir Thomas Curwen of Workington knight.

The ſaid Catharine ſurvived her ſaid huſband, and was afterwards married to Henry Brough eſquire, and after him to William Kniut eſquire; as appears

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by ſeveral fines levied by the ſaid Catharine late wife of Sir Walter Stirkland knight, and her ſaid huſbands reſpectively.

13. WALTER STRICKLAND of Sizergh, and alſo of Thornton Briggs, eſquire. He was a minor at his father's death, and in ward to the king till the 29th of Hen. 8. when he had livery of his lands: In the ſchedule whereof, mention is made of an uncle of the ſaid *Walter* by the name of Sir *Thomas Strickland* knight, who lived at Sizergh during the minority of his nephew.

In the 29 Hen. 8. the king, on appointing Sir Thomas Wharton deputy warden of the Weſt Marches, and Sir Thomas Wentworth captain of the town and caſtle of Carliſle, ſent a ſpecial commiſſion to *Walter Strickland* eſquire, commanding him to aſſiſt with his perſon and power the ſaid warden and captain in the execution of their office, in the adminiſtration of juſtice, and keeping of the peace in the borders. For which, and in conſideration of paſt ſervice, the king granted him a penſion for life.

In the 5 Eliz. he was knight of the ſhire.

He married Alice daughter of Nicholas Tempeſt of Holm in the county of Durham eſquire, and relict of Chriſtopher Place of Halnaby in the county of York; and died in the 11 Eliz. as appears by inquiſition.

14. Sir THOMAS STRICKLAND, knight of the Bath, ſon and heir of *Walter*. He was under age at the time of his father's death; and his mother Alice Strickland of Halnaby in the county of York widow, for the ſum of 700 *l*, purchaſed of the crown the cuſtody, wardſhip, and marriage of the ſaid Thomas.

In the 15 Eliz. there is an indenture between Alice Strickland widow and *Thomas* her ſon and heir apparent, and *Alice* her daughter, reciting part of the will of Walter Strickland eſquire her late huſband, and that ſhe had the wardſhip and marriage of her ſon.—In the 23 Eliz. he came of age, and had livery of his lands.

His mother married again to her third huſband Sir Thomas Boynton, whom alſo ſhe ſurvived. For in the 29 Eliz. there is a deed, whereby lady Boynton, after recital of her two laſt widowhoods, and that ſhe was deviſee for life from the late *Walter Strickland* of Sizergh eſquire, of the parks of Sizerh, Lawkrig, Brigſtere, and Natland, and of lands in Helſington, releaſes her right thereof to her ſon *Thomas Strickland* eſquire.—In the ſame year there is a releaſe from the ſaid *Thomas* to Alice lady Boynton his mother.—And in the 31 Eliz. there is a releaſe from Francis Boynton eſquire to his brother-in-law Thomas Strickland eſquire.

In the 43 Eliz. he was knight of the ſhire; and again in the firſt year of king James; which king on the 24th of July, being the day preceding his coronation, created him knight of the Bath.

He married to his firſt wife Elizabeth Symon of Briſtol, and had iſſue by her *Alice* married to Sir William Webb knight, equerry to prince Henry.

To his ſecond wife he married Margaret daughter of Sir Nicholas Curwen of Workington knight, and by her had iſſue *Robert*, *Thomas*, *Walter* (from whom

whom deſcended the Stricklands of Catterick in Yorkſhire), *Dorothy* third wife of John Fleming of Ridal eſquire, and *Margaret* ſecond wife of George Preſton of Holker in the county of Lancaſter eſquire.

He died about the 12th year of king James the firſt, and was ſucceeded by his ſon and heir,

15. Sir ROBERT STRICKLAND, knight. In the 21ſt year of king James, he repreſented the county of Weſtmorland in parliament.

In the civil wars, in the reign of king Charles the firſt, he embarked early in the royal cauſe. In the year 1638, he received a colonel's commiſſion from the lord viſcount Wentworth lord lieutenant of the county of York, to command 900 militia in the North Riding for the king's ſervice. And in 1640, he received the king's commiſſion from Algernon earl of Northumberland to regiment, accoutre, and march the ſame to Newcaſtle upon Tyne. After this he received a third commiſſion to command a troop of horſe. Which horſe and foot he is ſaid to have ſupported in a great meaſure at his own expence. At the battle of Edgehill, he himſelf commanded the horſe, and his ſon Sir *Thomas Strickland* commanded the regiment of foot.

His wife was Margaret eldeſt of the three daughters and coheirs of Sir William Alford of Bylton in Cleveland in the county of York knight; by whom he had iſſue, beſides his eldeſt ſon Sir *Thomas Strickland*, another ſon *Walter Strickland* eſquire.

In the year 1646, there is an indenture between Sir *Robert Strickland* knight and *Margaret* his wife, Sir *Thomas Strickland* knight their ſon and heir apparent, *Thomas Strickland* ſecond brother of Sir Robert, and *Walter Strickland* third brother of Sir Robert, of the one part; and Sir John Mallory and Richard Aldbrough eſquire, of the other part; containing covenants of an intended ſettlement upon the marriage of Sir *Thomas*, with Jane widow of Sir Chriſtopher Dawney baronet.

This Sir *Robert* lived till after king Charles the ſecond's reſtoration: for in the next year after the ſaid reſtoration, he was conſtituted by Thomas viſcount Falconbergh one of the deputy lieutenants of the North Riding of the county of York.

At Sizergh hall there is a valuable portrait of this Sir Robert in armour*.

* At this time was *Walter lord Strickland* one of the 43 peers created by Oliver Cromwell, who was ſecond ſon of Sir William Strickland of Boynton. He was one of the commiſſioners in this county, for putting in execution an ordinance of Cromwell's parliament in 1656, for levying an aſſeſſment of 60000*l* a month in nature of a land-tax. The commiſſioners for Weſtmorland were theſe: Lord Richard Cromwell, Sir Thomas Widdrington knight ſpeaker of the parliament, Philip lord Wharton, Charles lord Howard, Walter lord Strickland, Chriſtopher Liſter, Thomas Burton, George Downing, Thomas Lilburn, Robert Branthwaite, Francis Siſſon, Edward Briggs, John Archer, and Roger Bateman, eſquires: Edmund Branthwaite, Robert Atkinſon, James Cock, William Garnet, Richard Burton, Robert Skaiſe, and John Lowſon gentlemen. [Thoſe for Cumberland were, Col. Charles Howard, Sir George Fletcher baronet; Sir Wilfrid Lawſon knight; George Downing, William Briſco, John Barwis, Lancelot Fletcher, eſquires; Thomas Graiſter, Cuthbert Studholm, Arthur Foſter, Thomas Langhorn, John Hudſon, Gawin Wren, William Thompſon, Henry Tolſon, Thomas Lamplugh, William Orfeur, John Salkeld, eſquires; Robert Briſco, Robert Hutton, Thomas Sewel, Nicholas Studholm, Thomas Laiths, gentlemen.]

16. Sir

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16. Sir THOMAS STRICKLAND knight, and alſo banneret, being ſo created in the field by the king in perſon.

In 1661, he was knight of the ſhire for Weſtmorland.

He married to his firſt wife Jane daughter and coheir of John Moſeley of Ulſkelfe in the county of York eſquire, and relict as aforeſaid of Sir Chriſtopher Dawney of Cowick in the ſaid county baronet, and by her had iſſue ſeveral children, all of whom died in their infancy.

After her deceaſe he ſettled his eſtate on his younger brother *Walter*, who married Barbara daughter of the lord Falconbergh; but *Walter* dying without iſſue, the eſtate reverted, and Sir *Thomas*, at the age of 53, married to his ſecond wife Winifred daughter and heir of Sir Charles Trentham of Rocester in the county of Stafford knight; and by her had iſſue, (1) *Walter*. (2) *Robert*, who died at Sizergh unmarried, and lies interred in the family burying-place in Kendal church. (3) *Roger*, who was page to the prince of Conde when he went from France to be elected king of Poland, and died unmarried about the 24th year of his age. (4) *Thomas*, who dedicated himſelf to the church, and was for many years biſhop of Namur, where he made great additions to the cathedral, built an epiſcopal palace, and founded and endowed a ſeminary; and alſo within 3 or 4 miles of the city built the ſhell of a country houſe, but did not live to finiſh it. He was ſent ambaſſador to England by the emperor Charles the ſixth. He died at Namur in the year 1743, and was buried in his own cathedral.

This Sir *Thomas* was one of the privy council to king James the ſecond, whoſe fortunes he followed into France and died there, and was buried in the church of the Engliſh nuns at Roan in Normandy, where an handſome monument was erected to his memory. His lady alſo died abroad, and was interred in the ſame church.

17. WALTER STRICKLAND eſquire ſucceeded his father Sir *Thomas*. He married Anne daughter of Gerard Salvin of Croxdale in the county of Durham eſquire, and by her had iſſue, (1) *Thomas*. (2) *Gerard* (now living, in 1770) who married firſt Mary Bagnal, and by her hath iſſue one ſon and two daughters; to his ſecond wife he married the lady Gaſcoign relict of Sir Edward Gaſcoign baronet. (3) *Mary*, who died at Roan in Normandy, at the age of 15 and unmarried.

18. THOMAS STRICKLAND eſquire, ſon of the ſaid *Walter*, married Mary daughter of Simon Scroop of Danby eſquire; and by her had iſſue, beſides three children who died young, (1) *Walter*. (2) *William*, now living, who embraced a religious life in the Romiſh church. (3) *Charles*.

The ſaid Mary died in 1737, in the 30th year of her age, and lies buried in Kendal church. Her huſband married to his ſecond wife the widow of John Archer of Oxenholme eſquire, but by her had no iſſue.

19. WALTER STRICKLAND eſquire ſucceeded his father, and married Margaret daughter of Michael James Meſſenger of Fountain-abbey in the county of

of York eſquire, and died in the year 1761, without iſſue. He was ſucceeded by his brother. CHAP. VI.

20. CHARLES STRICKLAND eſquire, who married Cecilia only daughter of William Townley of Townley in the county of Lancaſter eſquire, by his wife Cecilia daughter and ſole ſurviving heir of Ralph Standiſh of Standiſh in the county of Lancaſter eſquire (by the lady Philippa Howard his wife ſecond daughter of Henry duke of Norfolk), and died in 1770, leaving iſſue *Thomas*, *William*, *Mary*, and *Charles*.

21. *Thomas Strickland* eſquire, now an infant.

The ARMS of *Strickland* are; Sable, three eſcalops within a bordure ingrailed Argent.

Sizergh hall is a venerable old building, in a pleaſant ſituation, formed like the reſt in ancient time, for a place of defence. The tower is a ſquare building, defended by two ſquare turrets and battlements. One of them is over the great entrance, and has a guard-room capable of containing ten or a dozen men, with embraſures. The winding ſtair-caſe terminates in a turret, which defends the other entrance.

There is in this houſe an apartment called the Queen's, with the royal arms therein. From whence it hath been vulgarly imagined that this place belonged to the crown; and it is ſaid that theſe arms were put up by queen Katherine Parr, widow of king Henry the eighth. This perhaps may be true, that the ſaid queen might be admitted to retire to this place after the king's death; but it did not then belong to the crown, but to the Strickland family, as it had done long before. Nor could the queen reſide here long; for ſhe married again ſo ſoon after the king's death, that had ſhe then proved pregnant, it was ſaid that it would be doubtful to what huſband the child ſhould belong, and ſhe died in the year following.

The CHAPEL of Helſington, in point of ſituation and neatneſs of building is inferior to few of the chapels within this pariſh; affording a beautiful and romantic proſpect, of the ſea, woods, rocks, and a fertile valley below. It was founded in the year 1726, by John Jackſon of Holeſlack gentleman; who gave an eſtate called Scar-houſe in Helſington, towards a yearly ſtipend for a teaching curate: ſo as a chapel, with veſtry or ſchool-houſe annexed, ſhould be erected, and a chapel yard ſufficiently fenced out; with all ornaments and conveniences belonging to the ſame. All which was accordingly effected, by contribution of the inhabitants, and his own further donation.

Afterwards he gave another eſtate, called Chamber tenement, within the ſaid chapelry, on condition that the inhabitants ſhould raiſe 100*l* towards obtaining an augmentation from the governors of queen Anne's bounty. In purſuance whereof, the ſum of 44*l* 12*s* 0*d* was ſubſcribed by the inhabitants; and the remainder, being 55*l* 8*s* 0*d*, was given by Mr. Matſon the curate. In conſideration of which eſtate, and of the ſaid ſum of 100*l*, the governors of

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the ſaid bounty gave 200*l*: With which ſum of 200*l*, a field was purchaſed called Kirkbarrow, within a place called Churchfield, adjoining to Kirkland; and the remaining ſum of 100*l* was laid out in a parcel of land called Rawnrigg in Barbon in this county.

And in the year 1745, the ſaid chapel was conſecrated by biſhop Peplowe, by the name of the chapel of St. John.

In the year 1762, the late biſhop of Cheſter, Dr. Keene, procured 200*l* from the counteſs dowager Gower, towards a further augmentation; which augmentation being obtained from the ſaid governors, the whole ſum of 400*l* was laid out in the purchaſe of an eſtate at Scarfoot in Underbarrow. And the whole revenue of the chapel, from the ſeveral eſtates above mentioned, amounts to about 80*l* a year; which renders it worthy of the acceptance of a clergyman of liberal education. The preſent curate is the reverend John Wilſon, M. A. fellow of Trinity college in Cambridge; to whoſe learning, induſtry, and knowledge, we are indebted for ſeveral uſeful informations in this part of the county.

And to this chapel, being of ſo late foundation, the vicar hath undoubted right of nomination; whereas in many of the other chapelries, the inhabitants preſcribe to nominate by cuſtom for time immemorial.

The ſaid Mr. Jackſon gave alſo a ſmall parcel of land called Jack Parrock for the uſe of the chapel clerk: and 13*s* 4*d* yearly, being one moiety of the rent of a ſhop in Kendal, for teaching three poor boys or girls of the ſaid townſhip, in reading, writing, and arithmetic; to be named by the curate, and the executrix of the ſaid John Jackſon, her heirs or aſſigns for ever.

NATLAND.

Advancing Eaſtward from *Helſington*, we come to NATLAND, which is a ſmall manor or lordſhip, containing only about 30 families. It ſeems to have had its name from the *Nativi* or bondmen probably placed there, as attendent upon the capital lord at Kendal caſtle to do ſervile offices, like as the inhabitants of *Bondgate* nigh Appleby, or the *Drengage* tenants nigh Brougham caſtle. The chapelry alſo of Natland is commenſurate to the manor.

It is of the Marquis Fee, and hath of a long time been the property of the *Strickland* family of Sizergh.

Upon the death of *Walter Strickland* eſquire, in the 11 Eliz. the inquiſition finds, that he held of the heir of Thomas Parr knight the manor of Natland, with the appurtenances, as of the fourth part of the barony of Kendale, by knights ſervice; and that it was worth by the year 26*l* 9*s* 10*d*. And that he held in Natland 16 acres of paſture ground, and 30 acres of wood called Natland Park; of the yearly value of 16*s* 8*d*.

His great grandſon Sir *Thomas Strickland* knight ſold to the tenants their eſtates to freehold, except ſome few fields and a cottage or two, which continue of arbitrary tenure and heriotable, of which the owners at that time probably were not able to purchaſe the infranchiſement.

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The park aforeſaid hath been long ago diſparked.

At the time of Mr. Machel's ſurvey, there was at Natland a ruinated *chapel*, 9 yards long and near 5 yards wide; without any chapel-yard, or any ſalary belonging to it. About the year 1735, the inhabitants rebuilt the ſame, and gave the profits of two incloſures belonging to the townſhip, together with an annual ſubſcription, to a perſon who ſhould teach their children, and read prayers in the chapel on Sundays.

In the year 1746, an augmentation of 200 *l* by the governors of queen Anne's bounty came to this chapel by lot, with which an eſtate was purchaſed in Skelſmergh. And in 1749, it received a further augmentation by lot of 200 *l*; and in 1754 was again augmented with 400 *l*, viz. 200 *l* from the ſaid governors, 100 *l* from the truſtees of archbiſhop Bolter late primate of Ireland, and 100 *l* from the executors of the late Dr. Stratford; which whole ſum of 600 *l* was laid out in the purchaſe of two eſtates, one in Old Hutton and the other in Barbon. And the whole revenue now amounts to about 33 *l* a year.

The moſt remarkable place within this chapelry is *Water-Crook*, half a mile north from the chapel, and about as much ſouth from Kendal church. It is ſo called from a remarkable turn in the water, the river Kent almoſt ſurrounding it, in the ſhape of an horſe-ſhoe. The area incloſed by the turn of the water is about eight acres.

The Romans, obſerving the advantage of the ſituation, placed a fort or ſtation here, which ſeems to have been the *Concangium* of the *Notitia*. Mr. Machel, on a perſonal ſurvey, ſays, That there have been dug up here fragments of Roman urns, bricks, and cement; and an oven was found under ground, being built with bricks or tiles on the inſide fixed one into another, run over with cement half a foot thick, and the bottom paved with bricks one foot broad and three inches thick.

Amongſt the ruins was found a Roman floor 16 inches deep, of three courſes, the loweſt courſe being a cement of lime and ſand with ſome pounded brick about 9 inches deep, then a courſe of gravel and pebbles about 4 inches, then a courſe of true Roman cement with great ſtore of pounded brick in it about 3 inches.

There were reſervoirs of water made of the ſame cement. And a ſemicircular courſe of vacuities like ovens, divided by a thin brick between each.

Within the area, there are marks of trenches about 140 yards ſquare, with many foundations of buildings.

The angles of the ſquare fort appear to have been rounded after the Roman faſhion.

Mr. Horſley takes notice of ſeveral coins and ſeals that have been found here, and ſome broken altars and ſtatues. One inſcription of the ſepulchral kind he hath in part preſerved, ſo far as he was able to make it out, which is as follows:

Publius Ælius Publii filius Sergia tribu Baſſus Quæſtor deſignatus legionis viceſimæ valentis victricis vixit annos . . . . . et Publius Rivatus liberti et Hero . . . . . miles legionis ſextæ victricis faciendum curarunt. Si quis in hoc ſepulchrum alium mortuum intulerit inferet fiſco dominorum noſtrorum . . . . . .

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Above the ſtation, nearer unto Kendal, a little below the bridge, is a place very ſuitable for the purpoſe, which ſtill bears the name of *Watch-field*; in a moſt delightful ſituation, now belonging to Mr. John Lambert.

SCALTHWAITE RIGG, HAY, AND HUTTON IN THE HAY.

SCALTHWAITE RIGG is variouſly written of old time: It ſeems to be derived from *ſcale*, a *ſhelter*, ſhed, or hut for habitation; from whence comes alſo the word *ſhield*; ſo the *ſhell* of a fiſh, or of a nut, is by the common people ſtill pronounced *ſkell*.——*Hutton*, adjoining, is of the ſame import; being the place where they had erected *huts* or cottages in the foreſt or hunting ground, now diſtinguiſhed by the names of *Old* and *New Hutton*.——Within the *incloſed* hunting ground or park, which the word *Hay* imports, the ſcales or huts there erected, by way of further diſtinction, were denominated *Hutton in the Hay*. And this diſtinction ſeems to have been made, upon the diviſion of the eſtate between the two ſiſters before mentioned of William de Lancaſtre the third. For *Old* and *New Hutton* are of the Richmond Fee; and *Scalthwaite Rigg*, *Hay*, and *Hutton in the Hay*, are of the Marquis Fee.——*Thwaite*, the other component of the word firſt above mentioned, means a parcel of ground where the wood has been grubbed up and cleared away.

In the 15 Eliz. part of the dower aſſigned to the widow of William Parr, marquis of Northampton, was as follows:

"Manor of *Skaltwaitrigg:* Every tenant by ancient cuſtom is to pay yearly "to the lord at the keeping of his court for his greenhew 2 *d*, or elſe 1 *d* and "an hen.—Total of the yearly rent of the demeſnes, 10 *l* 16 *s* 8 *d*. Of the "tenantrights, 12 *l* 5 *s* $0\frac{3}{4}$ *d*. And of the greenhews, 3 *s* 2 *d*. In all, 23 *l* "4 *s* $10\frac{3}{4}$ *d*.

"The manor of *Hey:* Total of the tenantright there, 13 *l* 6 *s* $5\frac{1}{2}$ *d*.

"The manor of *Hutton:* Total of the tenantright there, 9 *l* 2 *s* $7\frac{3}{4}$ *d*."

In the 28 Cha. 2. by the ſurvey made by order of queen Catherine aforeſaid, there were found, of the Marquis Fee, cuſtomary rents;—*Skalthwaite Rigg*, for 9 tenements, 12 *l* 5 *s* $0\frac{3}{4}$ *d*.—*Hay*, for 23 tenements, 13 *l* 3 *s* 3 *d*.—*Hutton in the Hay*, for 19 tenements, 8 *l* 18 *s* $2\frac{1}{2}$ *d*.

OLD HUTTON, NEW HUTTON, AND HOLME SCALES.

At firſt there was only one general name of HUTTON. The diſtinction between OLD and NEW HUTTON ſeems to have come in about the beginning of the reign of king Edward the firſt.

HOLME SCALES is in the pariſh of *Burton*; being, as the name imports, *ſcales* or huts belonging to *Holme* in that pariſh. But for the ſake of vicinity and convenience, *Holme Scales* hath for a long time been annexed to *Old Hutton*, and is now deemed part of that townſhip or conſtablewick.

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About the time of the reign of king Richard the firſt, *Gilbert ſon of Roger Fitz-Reinfred* granted to *Thomas ſon of Goſpatric*, who was founder, or at leaſt a great benefactor to the abbey of Preſton (which was afterwards removed to Shap), all his lands in Kendale, to wit, *Holme*, *Preſton*, and *Hoton*, with the appurtenances, to hold of him and his heirs, by the ſervice of the fourth part of one knight's fee; and by this ſervice, that the ſaid Thomas and his heirs ſhould be quit againſt him the ſaid Gilbert and his heirs of 43 *s*, which the ſaid Thomas and his anceſtors had paid yearly for the farm and cornage of the ſaid land *. And at the diſſolution of the ſaid abbey, it appears that the abbot and convent had lands in Hutton, which without doubt had been given to them by the ſaid Thomas.

In the next generation, *William de Lancaſtre* granted and confirmed to *Patric* ſon of the ſaid *Thomas ſon of Goſpatric* and his heirs, the charter which *Gilbert* ſon of *Roger Fitz-Reinfred*, father of the ſaid *William*, granted to the ſaid *Thomas*, of the lands in Kendale which he held of the ſaid *Gilbert*, in *Preſton*, *Holme*, and *Hutton*; deſcribed by theſe boundaries: As the water of Eoakerdale falls into the water of Hoton; and ſo going up to the rivulet running from Surthwaite to the way under Surthwaite; and ſo going up that way to the higher parts of Stamburild; and ſo acroſs to Raiſeherling; and from Raiſeherling to below the Dubbs eaſtward; and from the Dubbs to the ancient boundaries of Luptoun to Hordpotrig. And for this grant and confirmation Patric granted to the ſaid William, that he the ſaid Patric would find *puture* to two of William's foreſters, being on foot, in the vills of Hoton and Preſton, as other his neighbours do, when it ſhall ſo happen, and as they are bound; and that the ſaid Patric's men of the ſaid vills ſhall find to the ſame foreſters *witneſman*, in matters appertaining to the ſaid foreſt †.

In the 25 Ed. 1. *John de Culwene* grants and confirms to *Patric de Culwene* his brother and the heirs of his body, all his land at Old Hoton and Holme Scales, with the mill and ſervices of his free tenants there; except the wood of Hoton, in which nevertheleſs the ſaid Patric ſhall have eſtovers for houſboote and hayboote, and ſhall have his hogs there free from pannage. Rendring to him the ſaid *John* one penny of ſilver yearly at the Nativity of our Lord, for all ſervices ‡.

And in the 7 Ed. 3. *Gilbert de Culwene*, lord of Wirkington, releaſes and quitclaims to *Thomas de Culwene* ſon of *Patric de Culwene* knight his uncle, all his lands of Old Hutton and Holme Scales in Kendale, with the mill and homages of the free tenants there; to hold to the ſaid Thomas and the heirs of his body. Rendring to the ſaid Gilbert and his heirs yearly one penny of ſilver at the Nativity of our Lord, for all ſervices. Witneſſes: Ralph de Bethome, Roger de Layburne, Roger de Bronnolſheved, knights; Richard de Preſton, John de Waſhington, John de Haverington de Threnby, Thomas Warde, and others. Dated at Penrithe on Wedneſday next after the feaſt of Pentecoſt, in the year aforeſaid ‖.

The manor of Old Hutton hath been infranchiſed of a long time. In a bundle of Eſcheats, towards the beginning of the reign of king Charles the

* Rawlinſon. † Id. ‡ Id. ‖ Id.

firſt,

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firſt, the tenements in Old Hutton and Holme Scales appear to have been held of the king as of his manor of Kirkby in Kendale called the Richmond Fee, in ſocage, by payment of certain rents. This manor, together with many freehold rents, after ſeveral meſne conveyances, is now the property of Sir Michael le Fleming of Rydal baronet.

In New Hutton, which alſo is of the Richmond Fee, there are only about two tenements of freehold.

The *chapel* of *Old Hutton* was built about the year 1628, and rebuilt in 1699. The original chapel ſalary, like as of many of the reſt, ſeems to have been twenty nobles, or 6*l* 13*s* 4*d*; of which, four nobles were paid by the inhabitants of Holme Scales (as certified in 1717), who had ſeats in the chapel; but they afterwards with-held the payment on pretence of their being within another pariſh. The remaining ſixteen nobles were then reduced to ſomewhat leſs than fifteen, *viz.* 4*l* 17*s* 10*d*: And the ancient ſalary is now only 4*l* 12*s* 0*d*. Mr. Henry Bateman deviſed lands to this chapel, which in 1717 were certified at 5*l* 10*s* 0*d* yearly. And in the year 1706, one Thomas Robinſon of Old Hutton gave by his will 5*l* a year to this chapel for an afternoon ſermon. About 30 years ago, this chapel received an augmentation by lot of 200*l* from the governors of queen Anne's bounty. The executors of the will of the late Dr. Stratford gave 100*l*, unto which was added another 100*l* by other benefactors, and therewith a further augmentation of 200*l* was procured from the ſaid governors. With all which ſums lands have been purchaſed.

Nigh unto the chapel is the *ſchool*, which was built at the expence of Edward Milner of Kendal yeoman; and endowed by him, in 1613, with nigh 20*l* a year. It was rebuilt and rendered more commodious by contribution of the inhabitants and others in 1753. In this ſchool there is a conſiderable parochial library, eſtabliſhed in the year 1757.

Belonging to this townſhip is an eſtate given by Roger Ward of Old Hutton, now of the value of 8*l* a year; to be diſtributed among the poor houſholders of Old Hutton and Holme Scales.

There is alſo a rent charge of 26*s* 8*d* iſſuing out of an eſtate at Bendridge in the ſaid townſhip, to be applied to the like purpoſes.

The aforeſaid Thomas Robinſon gave 12 loaves weekly to be diſtributed amongſt 12 poor houſholders. And Joſeph Dawſon, alderman of Kendal, gave other 12, to be diſtributed in like manner.

The *chapel* of *New Hutton* was built in the year 1739, and endowed by contribution of the inhabitants of New Hutton, Hay, and Hutton in the Hay, with 200*l*; whereby an augmentation of 200*l* was procured from the governors of queen Anne's bounty, and an eſtate purchaſed therewith in Killington. In 1756, a further augmentation of 200*l* by lot fell to the ſaid chapel, wherewith an eſtate was purchaſed at Grayrigg.

The rents of theſe two eſtates make up the whole revenue of the chapel.

DOCKER.

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DOCKER.

This manor belonged to the hoſpital of St. Peter's, afterwards called the hoſpital of St. Leonard's, in York. This hoſpital had divers poſſeſſions in Weſtmorland, as at Aſby, Croſby Ravenſworth, Newby, Meburn, and Hoff. And particularly, Ketel ſon of Eldred, ſon of Ivo de Talebois, gave to the ſaid hoſpital certain lands in Kirkeby, and William de Lancaſtre the firſt gave to the ſame divers lands in High Barton: In exchange for which lands, William de Lancaſtre the ſecond by his charter granted to the ſaid hoſpital the manor of Docker, by the metes and bounds therein ſpecified *.

Which grant was confirmed by Gilbert ſon of Roger Fitz-Reinfred, and afterwards by king Edward the firſt. The ſaid Gilbert further granted to the ſaid hoſpital, that they might have their horſes and hogs going in his foreſt, with two folds wherein to take them; and that they might have one of their own brethren, together with one ſecular perſon, to tend the horſes and hogs within the foreſt, without bow, arrows, or dog: and if their cattle ſhould ſtray out of the above granted limits into the foreſt, that they ſhould be driven back quietly and without hurt or damage to the brethren of the ſaid hoſpital †.

This place claims, and in ſome reſpects exerciſeth, a privilege of exemption from eccleſiaſtical juriſdiction; but by whom, or in what inſtances, the ſame hath been granted, we have not found.

After the diſſolution of the religious houſes, this manor ſeems to have been granted to one Richard Waſhington; for in the 35 Hen. 8. there is a licence of alienation to *Richard Waſhington*, to convey the manor of Docker to *Richard Ducket* of Grayrigg eſquire: Whoſe deſcendent *Anthony Ducket* eſquire, about

* Notum ſit omnibus, tam præſentibus quam futuris, quod ego Willielmus filius Willielmi de Lancaſtre conceſſi et hac præſenti charta confirmavi, Deo et pauperibus hoſpitalis beati Petri Ebor', totam terram quæ dicitur Dockerga, cum omnibus pertinentiis ſuis, viz. per rivulum qui eſt inter Dockerga et Grarig, et Dockerga et Lambrig, et Dockerga et Wynfel, et Dockerga et Pattun; et ſicut idem rivulus deſcendit in Mimed, et inter Docharke et Falbek, uſque ad deſcenſum ejuſdem rivuli in Mimed, et a deſcenſu ejus ſicut aſcendit uſque ſubter wardas, et a wardis uſque ad Knotermild, et a Knotermild ex tranſverſo uſque ad Brunehou in aquilonari parte a Lickegile ubi crux poſita eſt, et exinde ex tranſverſo verſus orientem uſque ad aliud Brunehou juxta ſailis ubi altera crux poſita eſt, et deinde directe ex tranſverſo ultra Lickegile verſus orientem uſque ad magnam fraxinum verſus ſupercilium montis ubi tertia crux poſita eſt, et deinde ex tranſverſo verſus orientem uſque Blabec qui deſcendit in Warlaheſhayth et cadit in moſſam ad Baitingſted; et extra hos terminos, communem paſturam uſque ad Lon. Hanc præfatam terram ego et hæredes mei dedimus et conceſſimus prædictis pauperibus in eſcambium pro terra de Kirkeby quam Ketellus filius Eltredi eis dederat in eleemoſynam, et pro terra de Bartonheved quam Willielmus pater meus eis dederat. Hanc præfatam Dockergam, cum omnibus predictis terminis, prædictis pauperibus ego et hæredes mei contra omnes homines warrantizabimus imperpetuum. Teſtibus, Helwiſa ſponſa mea, Gilberto de Lancaſtre, Patricio filio Bernardi, et aliis. 2 Dugd. Mon. 395.

† .... Præterea conceſſi eiſdem quod habeant equos et porcos ſuos infra foreſtum meam, et habeant duas faldas in foreſta mea, unam ſcilicet in Capelthwaite et aliam in Roakerdale, ad capiendum equos et porcos ſuos cuſtodiendos infra foreſtam. Conceſſi etiam eiſdem fratribus, quod habeant unum fratrem et unum ſecularem ad equos et porcos ſuos cuſtodiendos infra foreſtam meam, ſine arcu et ſagittis, et ſine cane. Si vero animalia eorum extra terminos prænominatos in foreſta mea reperta fuerint, cum omni manſuetudine et ſine læſione et damno fratrum ejicientur. Teſtibus, Domino H. decano, et capitulo Sancti Petri Ebor'. Ibid.

the

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the year 1690, ſold the ſame, together with the manors of Grayrigg and Lambrigg, to Sir John Lowther baronet; in whoſe name and family the ſame ſtill continues in the perſon of Sir James Lowther baronet.

This manor pays a quit rent of 13 *s* 4 *d* yearly to the duke of Leeds, whoſe anceſtor in the reign of king Charles the ſecond purchaſed this and many other fee farm rents of the crown in this county.

LAMBRIGG.

This perhaps might be the place to which they carried their *lambs* at certain ſeaſons. For many places received their name of diſtinction from ſuch like circumſtances; as, Sheepſhead, Ramſbottom, Ewbank, Stirkland, Cowbrow, Oxenholme, and the like.

In the 11 Ed. 1. *Thomas de Chenaye* granted to *Gilbert de Bronolmſheade* all his lands at Lambrigg (reſerving only to himſelf the park); all which he had of *Lambert de Buſſey*.

By the heireſs of *Burneſhead* the ſame came to *Bellingham*; and by one of the daughters and coheirs of the laſt *Bellingham* of *Burneſhead*, to *Anthony Ducket* of Grayrigg eſquire, whoſe deſcendent *Anthony Ducket* eſquire ſold the ſame as aforeſaid to Sir John Lowther, in whoſe family it ſtill continues.

Lambrigg is of the Marquis Fee, and was holden of the king *in capite* by knights ſervice.

There is no remembrance or tradition of any deer having been kept in Lambrigg park, or any other place belonging to the *Duckets*; although ſo conſiderable a family in ancient time was ſeldom without.

Within this manor there is a vein of copper, which was wrought by the late viſcount Lonſdale. But the water being very troubleſome, and the vein withal not very rich, he deſiſted.

DILLAKER.

Adjoining to Lambrigg on the Eaſt, is the hamlet of DILLAKER; of which we have met with no particular account. It is in the pariſh of Kendal, but in Lonſdale Ward; and perhaps hath been anciently part of the manor of Killington and Firbank. It is freehold; and in the ſurvey of the Queen's lands in the 28 Cha. 2. ſtands charged with a free rent of 3 *s*, of the Marquis Fee.

GRAYRIGG.

Having now advanced to the Eaſtern extremity of the pariſh of Kendal, we incline Northwards to the manor of GRAYRIGG; ſo called probably from being frequented by badgers, brocks, or *grays*; as on the eaſt ſide of the river Lune, oppoſite thereto, is a place which yet bears the name of *Brockholes*. The hollow

low between is called *Grayrigg-hauſe*, from *hauſtus* perhaps, which ſignifies a draught; even as yet a throat or gulley is by the common people called a *hauſe*.

This manor of Grayrigg, like as the reſt, belonged to the barons of Kendal, and was granted by *William de Lancaſtre* the firſt in marriage with his daughter *Agnes*, to *Alexander de Windeſore*, ſon and heir of *William de Windeſore* *.

The ſaid *Alexander* had a ſon *William de Windeſore*; who was a juror on ſeveral inquiſitions *poſt mortem* in the reign of king Edward the firſt. Which *William* had a ſon *Alexander*, who levied a fine of the manors of Grayrigg and Morland in the 11 Ed. 2.

This laſt *Alexander* had a ſon *William de Windeſore*, who was knight of the ſhire for Weſtmorland in the 28 Ed. 3. and was ſheriff of Cumberland in the 41ſt and 42d of the ſame king.

By the inquiſition *poſt mortem* of *Joan de Coupland* aforeſaid in the 49 Ed. 3. he appears to have held of the ſaid *Joan* the manors of Heverſham, Morland, and Grayrigg.

Which *William* had a daughter and heir *Margery*, who in the reign of king Richard the ſecond was married to *John Ducket* eſquire, ſon of *Hugh*, ſon of *Richard*, ſon of *William*, ſon of *Richard Ducket* of Fillingham in the county of Lincoln eſquire; and hence came the *Duckets* to the manor of Grayrigg and other poſſeſſions in Weſtmorland, who enjoyed the ſame for 12 generations following, with this peculiar felicity, that none of the iſſue male, poſſeſſors of the family eſtate, was ever in ward, every anceſtor living until his heir was above 21 years of age.

The arms of *Windeſore* were; Gules, a ſaltier Argent, between 12 croſs croſslets Or.

The ſucceſſion of the ſaid family of *Ducket* of Grayrigg was as follows:

1. *John Ducket* aforeſaid, who married the heireſs of Windeſore, had a ſon and heir,

2. *Richard Ducket* of Grayrigg eſquire; who married a daughter of Sir Richard Redman of Over Levins knight: And by her had iſſue,

3. Sir *Richard Ducket* of Grayrigg knight; who married Mabel daughter of Sir Roger Bellingham of Burneſhead knight. In the 5 Hen. 4. he repreſented the county of Weſtmorland in parliament. He had iſſue,

* Willielmus de Lancaſtre, omnibus amicis et omnibus probis hominibus ſuis, tam futuris quam præſentibus, ſalutem et amorem. Sciatis me conceſſiſſe, et cum aſſenſu Willielmi de Lancaſtre filii mei et hæredis præſenti charta confirmaſſe, Alexandro de Windeſore ſimul cum Agnete filia mea et hæredibus ſuis, in liberum maritagium, quicquid habeo in Haverſhame, Grayrigge, et Morlande, cum omnibus pertinentiis ſuis: Conceſſi etiam præfatis Alexandro de Windeſore ſimul cum Agnete filia mea, et hæredibus eorum, libertatem firmandi ſtagna et molendina ſuper meum dominicum, ubicunque locum competentem invenient ad uſum ſuum; ac etiam libertatem aſſartandi et faciendi et habendi aſſarta ſua in boſcis ſuis ubicunque voluerint infra diviſas ſuas. Quare volo quatenus prænominati Alexander et Agnes filia mea et hæredes ſui habeant et teneant prædictas terras et prænominatas libertates, cum omnibus aiſiamentis, de me et hæredibus meis, ſicut liberum maritagium, in feodo et hæreditate, bene et in pace, libere et quiete, et honorifice, et plenarie, in boſco et plano, in pratis et paſturis, in viis et ſemitis, in moſſis et mariſcis et montanis, in molendinis et ſtagnis, in pannagiis et aſſartis, et in omnibus libertatibus, ſicut hac charta mea confirmavi. *(Rawlinſon.)*

4. *Thomas*

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4. *Thomas Ducket* eſquire; who married Elizabeth daughter of Thomas Middleton of Middleton-hall eſquire, by Iſabel daughter of Sir Richard Muſgrave of Hartley caſtle. This Thomas was ſlain at Edgcote field in the reign of king Henry the ſixth. He had iſſue,

5. *Richard Ducket* eſquire; who married Eleanor daughter of William Harrington, who had conſiderable poſſeſſions both in Lancaſhire and the barony of Kendal. He had iſſue, Richard, Robert, Anne married to Thomas Weſtington of Hallhead in Weſtmorland, and Mabel married to John Whittington of Barwick.

6. *Richard Ducket* eſquire, ſon and heir of Richard, married Agnes daughter of John Fleming of Ridal eſquire. He ſeems to have had a ſecond wife of the name of Katherine Culwen. He had iſſue, Anthony, James, Walter, Randolph, and two daughters Elizabeth and Dorothy, the latter of whom was married to Salkeld of Roſgill.

7. *Anthony Ducket* eſquire, ſon and heir of Richard, married Dorothy one of the daughters and coheirs of Sir Robert Bellingham of Burneſhead, and by her had iſſue Richard, Charles, Jaſper, William, and Gabriel.—To his ſecond wife he married Alice daughter of Thomas lord Dacre of Gilſland, and by her had iſſue Lionel, Alan, and Agnes married to John Myller of the Temple, London. This Lionel was fellow of Jeſus College in Cambridge, and a great benefactor to that college: At which place there is an elegant monument of him, with this inſcription;

Lionell Duckett,

Weſtmorlandienſis, e generoſis ortus parentibus; Collegii Divi Johannis olim alumnus; Academiæ Cantabrigienſis quondam Procurator; Sanctæ Theologiæ Baccalaureus; et nuper hujus Collegii Jheſu ſenior ſocius. Obiit Aprilis 5°, Anno Domini 1603. *Ætatis ſuæ* 39.

8. *Richard Ducket* of Gragrigg eſquire, ſon and heir of Anthony, married Catherine daughter of Sir James Leyborne of Cunſwick knight; and by her had iſſue Francis, and Margery married to Ralph Brackenburgh of Denton in the county of York.

9. Sir *Francis Ducket* of Grayrigg knight, ſon and heir of Richard, married Marian daughter of Alan Bellingham of Helſington eſquire, and by her had iſſue two ſons, Anthony and William; and four daughters, Alice married to John Fleming of Ridal eſquire, whoſe marriage portion was 666*l* 13*s* 4*d* (a large ſum in thoſe days): She had no iſſue. The other 3 daughters Frances, Catherine, and Jane, all died unmarried.

Sir Francis to his ſecond wife married Jane one of the daughters and coheirs of John Bradley of Bradley-hall in Lancaſhire eſquire, and widow of William Leyborne eſquire.

He died in the 12th year of king Charles the firſt. And the inquiſition thereupon finds, that he died ſeiſed of the manor of *Grayrigg*, holden of the king *in capite* as of his manor of Kendal called the Richmond Fee, worth by the year 10*l*: And of the manor of *Docker*, holden of the king *in capite*, by the ſervice of the 20th part of one knight's fee, worth by the year 3*l* 6*s* 8*d*: And

And of the manor of *Lambrigg*, holden of the king as of his manor of Kendal called the Marquis Fee, by knights ſervice, worth by the year *l:* And of the rectory of *Beethom*, holden of the king as of the manor of Eaſt Greenwich, in free ſocage, and by the rent of 25 *l* a year: And of one meſſuage, with 20 acres of land in Whinfell, worth by the year 2 *s* 6 *d:* And of 3 burgages in Kendal, and 4 acres of land thereto belonging, holden in ſocage; worth by the year 5 *s:* And that Anthony Ducket was his ſon and heir, of full age.

10. *Anthony Ducket* eſquire, ſon of Sir Francis and Marian Bellingham. He married Elizabeth daughter of William Leyborne of Cunſwick eſquire; and died in 1661: leaving iſſue,

11. *James Ducket* of Grayrigg eſquire, who was of the age of 50 years at Dugdale's viſitation in 1664.

He was thrice married. His firſt wife was Magdalen daughter of Sir Henry Curwen of Workington knight; by whom he had Anthony his eldeſt ſon and heir, and a daughter Margaret married to John Girlington of Thurland caſtle in Lancaſhire eſquire. To his ſecond wife he married Mary daughter of William Sanders of Sutton Court in the county of Middleſex eſquire, and by her had William, Richard, Elizabeth, and Bridget. He had to his third wife Elizabeth daughter of Chriſtopher Walker of Workington, and by her had Thomas, John, Chriſtopher, Marian, Ellen, and Anne: After his death, ſhe married to her ſecond huſband Thomas Hilton, a younger ſon of Hilton of Murton.

12. *Anthony Ducket* eſquire, ſon and heir of James. He married Elizabeth daughter of John Dalſton of Acorn Bank eſquire; and at Sir William Dugdale's viſitation aforeſaid was 28 years of age.

In the time of this Anthony, there was a ſuit in chancery between him and the tenants of Grayrigg, Lambrigg, and Docker; the tenants ſetting forth in their bill, that in the 11 Cha. 1. a decree had been obtained in the court at York for the northern parts by the tenants againſt Anthony Ducket eſquire ſon of Sir Francis, whereby the tenants were to pay one year's moderate value for a fine both general and ſpecial; and that the widows were to pay the general fine, but no fine upon their admiſſion but only the beſt beaſt; that fines not aſſeſſed and demanded before the tenant died ſhould be loſt; and that all boons and duties to the king were to be reprized: That the ſaid Anthony was ſucceeded by his ſon James; and that the like decree was obtained againſt him in the court of chancery in 1662: That James was ſucceeded by the preſent Anthony his ſon; and they claimed in like manner, according as had been determined by the aforeſaid decrees. They claimed likewiſe underwood, and wood for all neceſſary boots, and loppings of timber trees and other wood, for which they paid greenhew. And it was decreed, in the year 1670, that they ſhould pay for a fine one clear yearly value that the tenement would let for, above the lord's rent and other reprizes. The determination concerning the wood was referred till York aſſizes.——The reaſon why theſe lords ſtood not to the former decrees, as they alledged, was, becauſe they were not bound thereby, for that they came in by intail, and not by deſcent *.

* A copy of this decree, and ſeveral other documents relating to our hiſtory, were found among the writings of the late John Kitching of Cowperhouſe, gentleman.

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Not long after this, the ſaid Anthony ſold the eſtate to Sir John Lowther, and died without iſſue. All his brothers alſo died without iſſue male; and the name and family in Weſtmorland is now extinct.

The arms of Ducket are; Sable, a ſaltier Argent.

About the year 1695, the ſaid Sir John Lowther infranchiſed the tenants of Grayrigg, Lambrigg, and Docker; except ſome few who were not able to purchaſe.

Grayrigg-hall, being the ancient manor houſe, was a ſtrong old building, in a quadrangular form, adapted for defence more than for convenience. It is now totally in ruins, moſt of the lead and timber thereof having been removed to Lowther.

The CHAPEL of Grayrigg is common to the ſeveral townſhips of Grayrigg, Lambrigg, Docker, Whinfell, and Dillaker. The ancient ſalary is 20 nobles. In the year 1708, this chapel was rebuilt at the expence of the inhabitants; and ſoon after made parochial.

In 1723, Anthony Lowther eſquire, brother to Henry viſcount Lonſdale, gave 100*l* to this chapel, unto which the governors of queen Anne's bounty added another 100*l*, wherewith an eſtate was purchaſed in Dillaker.

And in 1751, the ſum of 200*l* was advanced to the ſaid governors, and with other 200*l* allowed by them, an eſtate of 400*l* value was purchaſed in Whinfell. An inſcription on the wall in the inſide of this chapel will inform poſterity to whom they ſtand indebted for this eſtate: which is as follows,

" This chapel obtained the Queen's bounty in the year 1751, by the liberal " benefactions of Mr. William Rudd late of Kendale deceaſed, the worſhip- " ſhipful William Stratford Commiſſary, and the reverend John Haiſtwell " Curate.

" The firſt gave 120*l*
2d —— 20
3d —— 60
200*l*.

" Zeal for the houſe of God here you do ſee,
" Shining with brighteſt beams even to futurity,
" May Heav'n be th' reward of all ſuch boundleſs charity *."

The whole revenue of this chapel, ariſing from the premiſes, is now about 42*l* a year.

* Unto which triplet a wag of our acquaintance propoſes a line to be added, to make it run upon all four; viz.

" And the D—— take the authors of all ſuch Poetry."

Robert

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Robert Adamſon of Blacket Bottom in Grayrigg, gentleman, gave 30 *l* to a ſchool in Grayrigg, with which ſum two fields, containing 11 acres, in Dillaker, were purchaſed in the year 1723.

There is a meeting-houſe in Grayrigg belonging to the *Quakers*, and alſo an eſtate of 8 *l* a year, purchaſed with 100 *l* given to them by John Dicconſon of the ſaid townſhip.

WHINFELL.

From Grayrigg, travelling northwards, along the eaſtern extremity of the pariſh, we come to WHINFELL; which carries its own derivation along with it.

This manor appears to have been early divided into moieties, or ſeparate ſhares; as were many other manors, ſometimes by purchaſe, and not ſeldom by the marriage of coheirs.

In the 49 Ed. 3. after the death of Joan de Coupland, the inquiſition finds, that *Matthew de Redman* (of Over Levins) held of the ſaid Joan, on the day on which ſhe died, a moiety of the vill of Quinfell. Who held then the other moiety, is not certain: In the reign of Hen. 6. it appears to have been in the Stricklands of Sizergh. And amongſt the eſcheats in the 11 Eliz. it is found, that *Walter Strickland* eſquire held of the queen *in capite* by knights ſervice the *manor* of Whinfell (which probably means only a moiety thereof; for it was very uſual in like caſes to expreſs the whole inſtead of a part: So when they come to ſell ſuch part, they expreſs the manor in general, meaning thereby ſo much thereof as belonged to the vendor). And amongſt the Eſcheats in the 3 Cha. 1. it appears that *William Thornebrughe* eſquire held of the heirs of *Richard Redman* in ſocage, a moiety of the manor of Whinfell (that is, the *Redman* moiety aforeſaid): And he held alſo in Whinfell, Selſyde, and Patton, divers lands and tenements of the clear yearly value of 6*l* 4*s* 4*d*. And at the ſame time *Richard Ducket* eſquire held three meſſuages and tenements in Whinfell in ſocage of the clear yearly value of 41*s*.

In the year 1670, Sir *Thomas Strickland* of Thornton Briggs in the county of York knight, and *Walter Strickland* of Rippon eſquire, conveyed to Robert Stephenſon and three others, truſtees for the inhabitants and land-owners, parcel of the ſaid manor, by the general name of all that the manor, ſeigniory, townſhip, or lordſhip of Whinfell, with all its rights, members, and appurtenances. And the ſaid truſtees conveyed to the ſeveral land-owners; Yet ſo, that the mines and quarries upon the waſtes, the waifs and eſtrays, and fiſhings in the ponds or tarns on the waſtes or commons, were to remain in the truſtees, for the uſe of the tenants at large.

And in 1723, by indenture quadripartite, between *Jane Thornburgh* of Kendal, widow of *Rowland Thornburgh* of Methop eſquire, of the firſt part; *John Trafford* of Croſton in the county of Lancaſter eſquire, aud *Elizabeth* his wife, ſiſter and heir of *Thomas Thornburgh* eſquire deceaſed, ſon and heir of the ſaid *Rowland*, of the ſecond part; *Thomas Townley* of Royle in the county

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of Lancaſter eſquire, and *John Knipe* of Flodder in Lyth gentleman, of the third part; and Henry Wilkinſon and ſeven others in truſt for the tenants and land-owners, of the fourth part; they the ſaid Jane Thornburgh, John Traſford and Elizabeth his wife, Thomas Townley, and John Knipe, for the ſum of 1040*l* 3*s* 4*d*, convey to the ſaid truſtees, the manors or reputed manors, lordſhips, or ſeigniories, of *Whinfell* alias *Whinfield*, *Selſide*, *Skelſmergh*, and *Patton*; with all royalties, deodands, ponds, waifs and eſtrays: paying thereout yearly 9*s* 1½*d* to the king; and a yearly rent of 1*s* to the lord viſcount Lonſdale. And the truſtees conveyed ſeverally to the tenants: The fiſhery in Whinfell tarn to remain amongſt the tenants undivided.

The learned Dr. John Pearſon, biſhop of Cheſter, was deſcended of a family of that name in this townſhip.

FAWCET FOREST.

Purſuing our courſe northwards, we come to FAWCET FOREST, at the utmoſt extremity of the pariſh towards the eaſt and north. It was anciently called *Fauſide*, and belonged to the abbey of Byland in Yorkſhire, having been given thereto by William de Lancaſtre the firſt. *Burton's Mon. Ebor.* 332.

After the diſſolution of the monaſteries, it was purchaſed by Alan Bellingham eſquire, a younger ſon of the Bellinghams of Burneſhead, who alſo purchaſed Helſington and Levins. The laſt of whoſe family at Levins ſold this, together with the other eſtates, to Colonel James Grahme, from whom it hath deſcended to the preſent earl of Suffolk and Berkſhire.

It is within the chapelry of Selſide.

Foreſt-hall is the ancient manor houſe; and one half of the foreſt ſtill lies in demeſne.

WHITWELL AND SELSIDE.

Inclining weſtward, we come to WHITWELL and SELSIDE, which though ſeparate diviſions, yet make but one conſtablewick, and ſeem to have been originally but one manor. When they were firſt ſeparated, doth not appear. They became united afterwards in the ancient family of *Thornburgh*, which came from *Thornburgh* in Yorkſhire, afterwards removed to *Hampsfell* in Lancaſhire, and finally ſettled in Weſtmorland.

The firſt account we have of *Whitwell* is in the 25 Ed. 3. in which year we find that *Gilbert de Burneſheved* held of *William de Coucy* the hamlet of *Whitwell*, by the ſervice of cornage, wardſhip, and relief. (Where we may obſerve, by the way, that though the king had acquitted them of *cornage*, yet he did not thereby alter the tenure, but only remitted the payment.)—The heireſs of *Burneſhead* was married to *Bellingham*, and one of the daughters and coheirs of the laſt *Bellingham* of *Burneſhead* brought *Whitwell* by marriage into this family of *Thornburgh*.

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Of Selſide we have met with no early account. In the 49 Ed. 3. *Matthew de Redman* held of *Joan de Coupland* divers tenements in *Selſat*, but the manor itſelf ſeems even then to have been in the hands of the *Thornburghs*, for they were many years before that time a conſiderable family in the county.

The firſt of the name of *Thornburgh* that hath occurred, was *Rowland de Thornburgh*; who in the 11 Ed. 1. was one of the jurors on the inquiſition *poſt mortem* of William de Lindeſey.

The next that we meet with was *William de Thornebergh*, who in the 20 Ed. 3. is firſt in the liſt of jurors on the inquiſition *poſt mortem* of William de Coucy.

In the 29 Ed. 3. and again in the 34th of the ſame king, we find *Rowland de Thornburgh* knight of the ſhire for Weſtmorland. In the 47 Ed. 3. *Rowland de Thornburgh* and *William de Thornburgh* were choſen to repreſent the ſaid county in parliament. In the 15th and in the 17th of Ric. 2. and again in the 2 Hen. 4. *William de Thornburgh* was knight of the ſhire. In the 5 Hen. 4. *Rowland de Thornburgh*. In the 2 Hen. 5. *William de Thornburgh*. And in the 3d, and again in the 5 Hen. 5. *Rowland de Thornburgh*. All theſe reſpectively were choſen to repreſent the ſaid county in parliament —But what connexion theſe had with the preſent family, doth not certainly appear.

The family pedigree (as copied from one remaining at Selſide hall, by Sir Daniel Fleming in the year 1670, which alſo agrees in the main with a pedigree certified at an herald's viſitation in 1628) begins with,

I. WILLIAM DE THORNBURGHE of THORNBURGHE in the county of York eſquire; who married a daughter of Sir John Croker of the city of London knight, and had iſſue,

II. Sir WILLIAM THORNBURGH of Thornburgh knight: He married Anne daughter of Richard Maleverer eſquire, and by her had iſſue, *William* who died without iſſue, *John* who reſided at *Hamsfeld* in Lancaſhire, and *Anne* married to Chriſtopher Curwen eſquire.

III. JOHN THORNBURGH of Hamsfeld, eſquire, married Elizabeth daughter of Sir Henry Pierpoint knight. They had iſſue, *William*, *Thomas*, *John* dean of York, and *Margaret* married to William Eaſton of the county of Lancaſter.

IV. WILLIAM THORNBURGH eſquire, ſon and heir of John. He married Catherine daughter of William Hilton eſquire; and had iſſue *Thomas*, *William*, and *Henry*; and a daughter *Mary*, married to Thomas Coatſworth; and another daughter *Catherine*, married to John Balderſtone.

In the 20 Ric. 2. there was one *William de Thornburgh*, who had a daughter Margaret married to William Machel of Crackenthorp gentleman. But whether ſhe was daughter of this William that we now ſpeak of, doth not appear from the pedigree.

Indeed, beſides thoſe of this name above mentioned which are not taken notice of in the pedigree, there are other confuſions in this, as in almoſt all other ancient pedigrees, which ſeldom agree in all points with the inquiſitions *poſt mortem* (where ſuch can be found), or other authentic inſtruments. Which is not at all to be wondered at after ſuch a length of time, in which alſo there have

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have been ſo many revolutions by the conteſts between the houſes of York and Lancaſter, the civil wars in the reign of king Charles the firſt, and eſpecially in theſe northern parts by the burnings and deſolation made by the Scots.

In one of the genealogies of this family, we find about this time *William de Thornburgh* who is ſaid to have married Eleanor daughter of one *Selſed* of *Selſed* gentleman (and hence Sir Daniel Fleming obſerves, that this place in king Richard the ſecond's time came by marriage to the *Thornburghs*); which *William*, by his wife *Eleanor Selſed*, had iſſue *William*, *Rowland*, *Edward*, and *Leonard*: That *William* the eldeſt married Margaret daughter of John Waſhington of Waſhington in the county of Lancaſter eſquire, and by her had iſſue *William* who married Eleanor daughter of Sir Richard Muſgrave hereafter mentioned. But in all our diſquiſitions we have never met with any other perſon of the name of *Selſed*; and the family of *Thornburgh* undoubtedly had poſſeſſions in Weſtmorland long before this time. Therefore probably here muſt have been ſome miſtake. And their own family pedigree goes on thus:

V. THOMAS THORNBURGH eſquire, ſon and heir of William by his wife Catherine Hilton, married Jane daughter of Sir John Dalſton knight; and had iſſue *Henry*, *Thomas*, *Richard*, and *Robert*.

VI. HENRY THORNBURGH eſquire, ſon and heir of Thomas, married Elizabeth daughter of Matthew Boothe eſquire; and by her had iſſue, *William*, *John*, *Henry*, *Jane* married to William Bradſhaigh, *Catherine* a nun, and *Elizabeth* married to Pierce Starkey.

VII. WILLIAM THORNBURGH of Hamsfeld eſquire. He lived in the reign of king Henry the ſixth. He married Elianor daughter of Sir Richard Muſgrave of Muſgrave knight; and had iſſue,

VIII. WILLIAM THORNBURGH of Hamsfeld eſquire, who married Elizabeth daughter and heir of Thomas Broughton of Broughton in Lancaſhire eſquire. They had iſſue, *Rowland*, *Anne* married to Thomas Preſton of Levins, *Thomas*, *Nicholas*, *Elizabeth* married to William Kirkby of Radcliff in Lancaſhire, and *Dorothy* married to William Clifton of Weſtby in the ſaid county.

IX. ROWLAND THORNBURGH of Hamsfeld eſquire. He married Margaret daughter of Sir Geoffrey Middleton of Middleton-hall knight; and by her had iſſue, *William*, *Rowland*, *Elianor* married to Robert Beck gentleman, *Elizabeth* married to Thomas Warcop of Smerdale eſquire, *Anne* married to Thomas Roos gentleman, and *Alice* married to Thomas Kellet of Winder in the county of Lancaſter.

X. Sir WILLIAM THORNBURGH of Hamsfeld knight. He married Thomaſin one of the four daughters and coheirs of Sir Robert Bellingham of Burneſhead knight. In the 15 Eliz. we find that Thomaſin Thornburgh held 15 meſſuages and tenements in Whitwell of the ſaid queen as of her barony of Kendal. She died in the 26 Eliz and there is a monument of her in Kendal church. By her laſt will and teſtament ſhe deviſed to her eldeſt ſon William all her right, title, and eſtate, in the ſeveral holdings of divers tenants in the lordſhips of Whittington in Weſtmorland and Poulton in Lancaſhire. And to her ſecond ſurviving ſon Nicholas ſhe gives her farmhold eſtate

at

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at Whitwell for ever; and her tenants with their appurtenances in Whitwell, Patton, Lambrigg, Long Sleddale, Dalefoot, and the tithes of Selfide and Whitwell, during his life, remainder to her fon William in fee *.

The faid Sir *William*, by his wife Thomafin Bellingham had iffue, 1. *William*. 2. *Rowland*, who died without iffue. 3. *Margaret*, married to Richard Fallowfield of Melcanthorp. 4. *Nicholas*, from whom the prefent family of the Thornburghs of Selfide are defcended, who thererefore bear a crefcent by way of diftinction of a younger houfe. 5. *Thomafin*, married to Hugh Dicconfon of the county of Lancafter. 6. *Cicely*, married to John Wharton of Kirkby Thore. 7. *Dorothy*, married to Henry Middleton of Threlkeld.

And here in the courfe of our inveftigation it being neceffary, in order to deduce the prefent family of Selfide-hall, to purfue the younger branch; we will firft derive the defcent of the elder branch until failure of iffue, and then take up the pedigree from Nicholas aforefaid, and bring the fame down to the prefent time.

WILLIAM THORNBURGH of Hamsfeld efquire, eldeft fon of Sir William and Thomafin Bellingham, married Etheldred daughter of Thomas Carus of Halghton in Lancafhire, one of the juftices of the court of king's bench. They had iffue *Rowland*, *Anne*, and *Thomafin*.

ROWLAND THORNBURGH of Hamsfeld efquire, fon of William and Etheldred Carus, married Jane daughter of Thomas Dalton of Thurnham in Lancafhire efquire; and had iffue *William*, *John*, *Rowland*, and *Francis*; and four daughters, *Etheldred* married to John Gregfon of Moor-hall, *Jane* married to John Knipe of Ramfide, *Anne* married to Henry Bigland of Grange in Lancafhire, and *Thomafin*.

* During her widowhood fhe kept a book of acccount of her receipts, expences, and difburfements; from whence it appears that wool fold for 10*s* a ftone, an immenfe price, compared with the prices of other things. The account of her fervants wages for one year is as follows:—"Anno "Domini 1579. The holle yeare waigs of Dame Thomafyne ladye Thornburgh of all her fer- "vants at Selfatt;

"Imprimis Edward Bowman	40*s*
"Item, Andrewe Rogerfone	26*s* 8*d*
"Item, Henrie Gylpine	30*s*
"Item, Michael the miler	26*s* 8*d*
"Item, Peter Langhorne	21*s*
"Item, Thomas Sowelbye	14*s*
"Item, John Bowman the Pleugh boy	10*s*
"Item, George Bowneffe	12*s*
"Item, Thomas Thompfon	21*s*
The Maydes.	
"Imprimis, Agnes Waterfurthe	8*s*
"Item, Elizabeth Becke	8*s*
"Item, Genett Bowman	10*s*
"Item, Agnes Warrener	10*s*
"Item, Ganett Pepper	8*s*
"Item, Margaret Baxter	8*s*
"Item, Margaret Hodgefone	10*s*
"Item, Mrs. Ifabel	26*s* 8*d*"

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WILLIAM THORNBURGH eſquire, ſon and heir of Rowland married Catharine daughter of Edward Langtree in the county of Lancaſter eſquire; and had iſſue *Rowland*, *Elizabeth*, *Richard*, *Charles*, and *Catherine*. This William, in the 16 Cha. 1. ſold part of the manors of Whitwell and Selſide to Henry Wilſon eſquire, who was ſucceeded by his brother Thomas Wilſon, who had a ſon Henry Wilſon, who in the year 1656 had a chancery ſuit with the tenants concerning the fines and ſervices; which in the end was referred to Thomas Brathwaite of Ambleſide eſquire, and John Otway of Gray's Inn eſquire, who awarded that the tenants who had not before purchaſed their tenements to freehold, ſhould pay 13 years ancient rent to be reduced to an eightpenny fine certain, that is, eight times the ancient rent, on death of the lord, or change of the tenant by death or alienation; the rent hens, capons, and boons, to be purchaſed and ſold at 16 years value *. The ſaid William alſo ſold the hall and demeſne to William Thornburgh ſon of Nicholas aforeſaid.

ROWLAND THORNBURGH of *Methop* eſquire, ſon and heir of William by his wife Catharine Langtree, married a daughter of Hugh Dicconſon of Raſeham in Lancaſhire. They had iſſue *Rowland*, *James*, and *William*.

ROWLAND THORNBURGH of Methop eſquire, ſon and heir of Rowland, married Jane Brokeld of Clayton in Lancaſhire, and had iſſue (beſides ſeveral other children who came not to maturity) a ſon *Thomas* who died unmarried, and a daughter *Elizabeth* married to John Trafford of Croſton in the county of Lancaſter eſquire, and had no iſſue.

The elder branch failing here, we recur to the younger branch in the perſon of the aforeſaid Nicholas.

XI. NICHOLAS THORNBURGH of Whitwell eſquire, third ſon of Sir William Thornburgh knight by his wife Thomaſin Bellingham, married Iſabel daughter of Robert Salkeld of Thornemonby, and had iſſue *William*, *Thomas*, *Dorothy*, and *Thomaſin*.

XII. WILLIAM THORNBURGH of Whitwell eſquire, ſon and heir of Nicholas. This is that William who purchaſed Selſide as aforeſaid of his couſin William. He married Catherine daughter of Jerome Hawley of Brentford in Middleſex eſquire; and had iſſue (beſides ſeveral other children) *James* and *Francis*.

James the elder ſold the eſtate in Selſide and Whitwell to his brother *Francis*, from whom is deſcended the preſent family of Selſide-hall, and whom therefore we muſt aſſume as next in ſucceſſion after we have done with *James*.

The ſaid *James* married a ſiſter of Walter Nicholſon of Griſedale and Whelpſide; and had iſſue two ſons, *Nicholas* and *John*; and four daughters, Frances, Catharine, Elizabeth, and Mary.

Nicholas, the elder of theſe two ſons, married Barbara daughter of John Pickering of Bowbank; and had iſſue two ſons and two daughters, all of whom died unmarried, except Agnes who was married to Mr. James Singleton of Kendal, but hath no iſſue. *John*, the younger ſon of James, married Margaret another of the daughters of the ſaid John Pickering, and had iſſue a ſon who died unmarried, and ſeveral daughters, ſome of whom are now living and have iſſue.

* Kitching.

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We now recur to *Francis* younger brother of *James* aforeſaid, *viz.*

XIII. FRANCIS THORNBURGH of Selſide eſquire, who purchaſed the inheritance as is aforeſaid. He married Frances daughter of Mr. George Waite of Leyburne nigh Middleham in Yorkſhire; and had iſſue *William*, *George*, *Catharine*, *Agnes*, *Margaret*, and *Iſabel*. All which daughters died unmarried, except *Agnes* who was married to Thomas Ratcliffe of Dilſton in Northumberland.

George the ſecond ſon married Rebecca daughter of Thomas Thornburgh of Willſon-houſe in Lancaſhire, and had iſſue *John* and *Suſanna*. *John* married Mary ſiſter of William Newman of Froyle in Hampſhire; and had iſſue *Francis*, and *Margaret* married to Gaſpar Conti profeſſor of the Italian tongue in the French military ſchool at Paris: Of this branch there is no iſſue.—*Suſanna*, ſiſter of *John*, was married to one Canter a Spaniard, engineer at Minorca in the reign of queen Anne, and had iſſue a ſon *James* now living, by profeſſion a painter in perſpective.

XIV. WILLIAM THORNBURGH of Selſide eſquire, elder ſon of *Francis*, married Mary only daughter of captain William Huddleſton of Hale, a younger ſon of Andrew Huddleſton of Hutton-John eſquire; and by her had iſſue 1. *Francis*. 2. *William*, preſident of the Engliſh college at Douay. 3. *George*, who married Mary daughter of John Dalton of Thurnham in Lancaſhire; and had iſſue *Francis* who died unmarried in 1769, and *Mary* now inheritrix of the family eſtate. 4. *Frances*, married to Ferdinando Johnſon of Middleton in Teaſdale in the county of Durham; and to him had iſſue *Robert* now living, a clergyman of the church of Rome; and *Catherine* married to Robert Pringle of Richmond in Yorkſhire, M. D. and hath a ſon *James*. 5. *Agnes*, who died a nun at Antwerp. 6. *Mary*, married to one Mr. Huntback in Eſſex. 7. *Ellen*, married to Joſeph Tufton chymiſt in London. Theſe three laſt had no iſſue.

XV. FRANCIS THORNBURGH of *Layburn* and *Selſide* eſquire, ſon and heir of *William*, married Katharine daughter of Thomas Sudell of Wanlaſs Park and Weſt Witton in Yorkſhire eſquire, and died in 1774 without iſſue.

The *Thornburghs* bear 6 coats quarterly: 1. Ermin, a frette and chief Gules, by the name of *Thornburgh*. 2. Argent, two bars; and on a canton Gules, a croſs Argent; by the name of *Broughton*. 3. Argent, two bars and a canton Gules, over all a garter (or coſt) Sable; by the name of *Copeland*. 4. Sable, a frette Argent; by the name of *Harrington*. (Which two laſt were probably quarterings of Broughton, and came by the heireſs of Broughton into this family.) 5. Argent, three bugles Sable, garniſhed Or, ſtringed Gules; by the name of *Bellingham*. 6. Argent, three bendlets, on a canton Gules a lion rampant Argent; by the name of *Burneſhead:* (which, by the ſame reaſon, was a quartering of Bellingham)—The creſt: A martin ſeiant (or a leopard paſſant Proper).—Motto: "Through thankfulneſs taken."

The halls and demeſne of Whitwell and Selſide ſtill continue in this branch of the family. The manor was ſold off by degrees; part thereof to the Wilſons aforeſaid; part to the Bellinghams of Levins, who ſold the ſame to Co-

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lonel James Grahme, from whom it deſcended to the preſent earl of Suffolk and Berkſhire, whoſe grandfather ſold part of the tenements to freehold, and the preſent earl all or moſt of the reſt. What remained to the Thornburghs was ſold (as is aforeſaid) in 1723, to the uſe of the tenants, by John Trafford eſquire and Elizabeth his wife, daughter and heir of the aforeſaid Rowland Thornburgh of Methop.

The corn tithe, after the diſſolution of the monaſteries, was granted to the Bellinghams of Burneſhead. From the lady Thomaſin above mentioned it came to her eldeſt ſon William Thornburgh, from whom it deſcended to the laſt Rowland Thornburgh of Methop, whoſe widow Jane ſold it to William Cock of Redbank in Selſide, from whom it came to his nephew and heir the preſent owner.

The CHAPEL of Selſide was heretofore in the hall or manor houſe. Which being inconvenient to the owners, who were all along Roman catholicks, the late William Thornburgh eſquire gave to the inhabitants a parcel of ground, at about 200 yards diſtance, for a chapel and chapelyard, in a beautiful ſituation; and a new chapel was accordingly erected and conſecrated and made parochial. And on the chapel becoming vacant, a diſpute happened between the vicar of Kendal and the inhabitants concerning the appointing of a curate; the vicar claiming as of common right, eſpecially this being a new chapel; and the inhabitants claiming by cuſtom for time immemorial of chuſing their curate. But in regard of the great expence of a ſuit in chancery, the vicar gave it up. It was certified to the governors of queen Anne's bounty at 3*l* 19*s* 0*d* being the ancient chapel ſalary. In 1717, it was certified at 8*l* 5*s* 0*d*, *viz.* 4*l* charged upon the eſtates of the inhabitants; 4*l* given by Miles Birkbeck and iſſuing out of an eſtate of Robert Harriſon; and 5*s* intereſt of money given by Thomas Nelſon. In 1721, Peter Shepherd gave 40*l*, the intereſt thereof to go to the curate. In 1722, it was augmented by 100*l* given by lady Moyer, 100*l* given by Colonel James Grahme and the inhabitants, and 200*l* by the governors of queen Anne's bounty; with which, and other pariſh money, two eſtates in Whinfell called Harrod and Stonegarth were purchaſed for 525*l*. There is alſo another eſtate in Firbank called Beckſtones, which was purchaſed with 100*l* given by the executors of the late Dr. Stratford, 100*l* given by the late curate the reverend William Atkinſon, and 200*l* by the governors of queen Anne's bounty. The whole revenue of the chapel is now about 60*l* a year.

In the year 1730, John Kitching of Cowper-houſe in Selſide gentleman, gave an eſtate in Selſide called High Biggerſbank, for the uſe of a ſchoolmaſter, to be choſen by the major part of the inhabitants of the chapelry of Selſide, and to be approved of by the vicar and firſt ſchoolmaſter of Kendal for his ability and qualification. To teach *gratis* all the children of the farmers or inhabitants of the ſaid meſſuage and tenement of High Biggerſbank and of Cowperhouſe tenement, and all poor children within the chapelry. The ſaid eſtate to be in four feoffees; and on the death of any of them, the ſurvivors to chuſe another. The value of the eſtate then was about 16*l* a year.

SKELS-

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SKELSMERGH AND PATTON.

SKELSMERGH and PATTON are both one conſtablewick, but they have been ſeparate diviſions for a long time.

SKELSMERGH belonged to the *Laburns* for upwards of 400 years; the principal reſidence of which family was at Cunſwick.

It was granted in the reign of king Henry the third to *Robert de Leyburne* by *William de Laneaſtre* the third, by the metes and bounds in the grant ſpecified: Saving to the ſaid William his hunting therein; but with permiſſion to the ſaid Robert and his heirs to take within the ſame wild goats, foxes, and and hares, without hindrance of the ſaid William or his heirs. Rendering for the ſame yearly a pair of gilt ſpurs at the feaſt of St. Michael, for all ſervices. Witneſſes whereof were, Sir Roger de Leyburne, Sir Ralph de Aincourt, Sir Richard de Copeland, Sir Matthew de Redeman, Sir Richard de Winewick, Sir Richard de Bereburne, Thomas de Levins, Thomas the Tax-gatherer *(Thoma Talliatore)*, Gilbert de Wateby, and many others *.—It is called in the ſaid grant, and many other ancient evidences, *Skelſmereſergh.*

In the 30 Ed. 1. there was a grant of free warren in *Skelſmereſergh* to *Nicholas de Leyburne* grandſon of the ſaid *Robert* ‡.

The *Leyburns* in queen Elizabeth's time, being great ſufferers for popery, ſold the manor to *Bellingham* of Levins and *Braithwaite* of Burneſhead, who infranchiſed moſt of the tenants. But the hall and demeſne continued to the *Laburns* till the year 1715, which being then forfeited, they were purchaſed by Thomas Crowle eſquire, and by him ſold to *Daniel Wilſon* of Dallam Tower eſquire, grandfather of *Daniel Wilſon* eſquire the preſent owner.

There was heretofore a CHAPEL in Skelſmergh, dedicated to St. John Baptiſt; with the ſtream of a well, called St. John's well, running through it from Eaſt to Weſt. Mr. Machel ſays, part of it was ſtanding in his time, and the current of water was planked over, and there were ſome ſeats remaining in the quire. There was one Sir Uter Gilpin chaplain here before the reformation, as appears by his will written with his own hand.

There were ſome lands and tenements in Skelſmergh, which belonged to the abbey of St. Mary's York, given probably by Ivo de Talebois or ſome of his ſucceſſors.

In the 4 and 5 Ph. and Mary, there was a grant of two fulling mills nigh Sprent-bridge in Skelſmergh, and divers lands there called *Kirkfields* (probably the ſame that had belonged to the abbey), to Walter Northcourt and John his ſon, to hold of the crown by fealty only, in ſocage, as of the manor of Eaſt Greenwich.

PATTON ſeems anciently to have belonged to a family of that name. In the 15 Hen. 3. *Ralph de Patton* was one of the witneſſes to the grant of Killington, by Peter de Brus to William de Pickering.

* Rawlinſon. ‡ Denton.

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In the 7 Ed. 1. a fine was levied, between Symon Crook and Agnes his wife and Elias de Sandford and Alice his wife of the one part, and *Ralph de Patton* of the other part, of lands in Patton.

In the ſame year, *Ralph de Patton* was one of the jurors on the inquſition after the death of Peter de Brus.

In the 3 Ed. 2. *Rowland de Patton* was one of the jurors after the death of William de Roſs.

In the 17 Ed. 2. *Michael de Patton*, after the death of Ingelram de Guiſnes.

In the 14 Ed. 3. *John de Patton*, after the death of William de Thweng.

In the 20 Ed. 3. *John de Patton*, after the death of William de Coucy.

After this, we find no more of the name *de Patton*. But not long after, Patton appears to have belonged to the *Bellinghams* of Burneſhead; and with *Thomaſin* one of the daughters and coheirs of the laſt *Bellingham* of Burneſhead, to have come to the *Thornburghs* of Methop and Selſide. And accordingly, in the 3 Cha. 1. after the death of *William Thornburgh*, the inquiſition finds, that he held the manor of Patton of William late marquis of Northampton, and afterwards of the king, as of his caſtle of Kendal, by the ſervice of one red roſe at the feaſt of St. John Baptiſt yearly, if demanded; and it was worth by the year 20*s*. In which family it continued till the year 1723, when it was ſold, together with part of Whinfell and Selſide as is aforeſaid, to truſtees for the uſe of the tenants.

A moiety of the lands in Patton (which probably had come by the marriage of a daughter and coheir) was granted to the priory of Conieſhead in Lancaſhire; as appears from a confirmation by king Edward the ſecond of grants made to the ſaid priory, amongſt which there is a recital of the grant which John ſon of Richard de Coupland made to the canons of the ſaid priory of all the lands of the ſaid John, with the appurtenances, in Patton; namely, a moiety of the ſaid vill, except one acre which was holden by Bertlot de Boſcheſley †.

BURNESHEAD.

This name is variouſly written of ancient time, but moſt commonly BURNESHEAD, and ſeems intended to ſignify the *head* of the *burn* or river which ſprings a little above in Kentmere.

The manor belonged anciently to a family of the name DE BURNESHEAD; of which family we have only the laſt of the name, before it ended in a daughter. And this was *Gilbert de Burneſhead*; of whom mention is firſt made, in any writing that we have found, in the 11 Ed. 1. who in that year purchaſed Lambrigge of Thomas de Chenaye.

About ſeven years after this, in a conteſt between the two daughters of Robert de Veteripont concerning the ſheriffwick of Weſtmorland, one of the daughters preſented this ſame *Gilbert* to the barons of the exchequer, to be ſworn into the office of under-ſheriff.

† 2 Dugd. Mon. 424.

This *Gilbert* had an only daughter and heir *Margaret*, who was married to *Richard de Bellingham*, whoſe anceſtors received their ſurname from a place called *Bellingham* in Tindale in the county of Northumberland; in which family this manor of Burneſhead continued a long time.

The arms of *Gilbert de Burneſhead* were; Argent, three bendlets Gules, on a canton of the ſecond a lion rampant of the firſt.

Some of the BELLINGHAMS have attempted to derive their deſcent from an ancient family in this county and elſewhere *de Bello-campo*; but as they do not make out the connexion, this can be looked upon only as matter of conjecture, and the conjecture itſelf ſeems to be founded on a miſtake; for the ſurname *de Bello-campo*, when diveſted of the Latin idiom, is not *Bellingham*, but *Beauchamp*, commonly pronounced *Beecham*.

The firſt of this family of *Bellingham*, of whom we can pronounce with certainty, was,

1. WILLIAM DE BELLINGHAM, father of the aforeſaid *Richard*; who in the 2 Ed. 1. was under-ſheriff to William de Swineburne in the parts of Tindale.

2. RICHARD DE BELLINGHAM, who married (as aforeſaid) *Margaret* daughter and heir of *Gilbert de Burneſhead* knight; and thereupon came to Burneſhead, in the reign of king Edward the 2d. They had a ſon,

3. ROBERT DE BELLINGHAM of Burneſhead, whoſe wife's name was Margaret Salkeld. In the 49 Ed. 3. after the death of Joan de Coupland, the jurors find, that *Robert de Bellingham* held of her divers tenements in Strickland Ketel. This *Robert* had a ſon,

4. RICHARD DE BELLINGHAM; who married Anne daughter of John de Barburne; and had iſſue,

5. Sir ROBERT BELLINGHAM of Burneſhead knight. In the 10 Hen. 5. he was one of the jurors on the inquiſition *poſt mortem* of John de Clifford. He married Elizabeth daughter of Sir Thomas Tunſtall of Thurland in the county of Lancaſter; and by her had iſſue, (1) *Henry*, his eldeſt ſon and heir. (2) *Richard*, from whom deſcended the Bellinghams of Lincolnſhire. (3) *Robert*, who married a daughter of Sir Robert Aſke by Elizabeth his wife daughter of the aforeſaid John de Clifford, lord of Weſtmorland and hereditary ſheriff of the ſame. (4) *Thomas*, from whom deſcended the Bellinghams of Suſſex and Surry. (5) *Alexander*. (6) *Nicholas*, who married a ſiſter of lord Ogle. (7) *William*. (8) *Alan*, who married a Gilpin, and was anceſtor of the Bellinghams of Helſington and Levins.

6. Sir HENRY BELLINGHAM knight. He married Katherine daughter of James Leyburn of Cunſwick eſquire; and by her had iſſue, *Roger*, *Nicholas*, *Gilbert*, *John* (from whom deſcended the Bellinghams of Berkſhire and Wiltſhire), *Walter*, *Anne*, *Mabel*, and *Margaret*.

7. Sir ROGER BELLINGHAM of Burneſhead, knight and banneret. He married Mabel daughter of Thomas Middleton of Middleton-hall eſquire; and had iſſue by her, *Robert*, and a daughter *Margaret* married to Sir Chriſtopher Curwen of Workington. This is that Sir *Roger* who lies buried and hath a monument in Kendal church.

8. Sir

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8. Sir ROBERT BELLINGHAM of Burneſhead knight. He married Anne daughter of Sir James Pickering of Killington knight; and had iſſue only four daughters, (1) *Dorothy*, married to Anthony Bucket of Grayrigg eſquire. (2) *Thomaſin*, married to Sir William Thornburgh of Hampsfel knight. (3) *Katherine*, married firſt to Richard Aſhton of Middleton, and afterwards to Davenport father of judge Davenport. (4) *Elizabeth*, married to Cuthbert Hutton of Hutton-John in Cumberland *.

And thus ended the eldeſt male line of the *Bellinghams* from Bellingham in Northumberland. They bore for their arms; Argent, a bugle or hunting horn Sable, ſtringed Gules.

This laſt Sir *Robert* ſold Burneſhead to Sir *Thomas Clifford*. And by the inquiſition after the death of the ſaid Sir Thomas Clifford knight, the jurors find, that he died ſeiſed in his demeſne as of fee of the manor of Burneſhead, and of one corn mill parcel of the ſaid manor: Out of which manor, by his deed dated Nov. 26. in the 33 Hen. 8. he granted to Marmaduke Wyvell eſquire and dame Mabel his wife (late wife of Roger Bellingham deceaſed) an annuity of 13*l* 6*s* 8*d* during her life (that is, in lieu of her dower, as it ſeemeth): And the jurors find that he died 26 March, 34 Hen. 8. and that *Elizabeth Clifford* his daughter was his next heir, then of the age of 15 years †.

Sir Daniel Fleming ſays, that Sir Thomas Clifford ſold this eſtate to one *Fitzwilliam*. To reconcile which account with the aforeſaid inquiſition, we muſt ſuppoſe that *Fitzwilliam* (which is not improbable) married the ſaid daughter and heir of Sir Thomas Clifford, and that Sir Thomas ſettled the eſtate in conſideration of that marriage to be ſolemnized.

Fitzwilliam (Sir Daniel ſays) ſold the ſame to one *Machel* of Kendal; who ſold it to *Robert Brathwaite* of Ambleſide eſquire, and this brought in the family of BRATHWAITE to Burneſhead.

The anceſtor of the *Brathwaites* both of Ambleſide and Burneſhead, and alſo of Warcop, was,

1. RICHARD BRATHWAITE of Ambleſide eſquire; who by his wife Anne Sandys had iſſue,

2. ROBERT BRATHWAITE of Ambleſide eſquire; who purchaſed, as aforeſaid, the manor of Burneſhead. He married Anne daughter of John Williamſon of Under-Skiddow in Cumberland, and by her had iſſue *Thomas* and *James* (beſides ſeveral other children). To his ſecond ſon *James* he gave Ambleſide; and was ſucceeded at Burneſhead by his eldeſt ſon, *viz.*

3. THOMAS BRATHWAITE of Burneſhead eſquire; who married Dorothy daughter of Robert Bindloſs of Borwick eſquire, and by her had iſſue, (1) *Thomas Brathwaite* of Burneſhead, afterwards of Warcop. (2) *Richard*; who, on removal of his elder brother to Warcop, remained at Burneſhead. (3) *Agnes*, married to Sir Thomas Lamplugh of Dovenby knight. (4) *Alice*, mar-

* The principal part of this pedigree, as alſo of that of the Brathwaites hereafter following, we have from Sir Daniel Fleming and Mr. Machel.

† Dugdale.

ried

ried to Thomas Barton of Whenby in the county of York eſquire. (5) *Dorothy*, married to Francis Salkeld of Whitehall eſquire. (6) *Mary*, married to John Briſco of Crofton eſquire. (7) *Anne*, married to Alan Aſkoughe of Richmond in Yorkſhire gentleman.

4. RICHARD BRATHWAITE of Burneſhead eſquire, ſecond ſon of Thomas by his wife Dorothy Bindloſs, married to his firſt wife Frances daughter of James Lawſon; and by her had iſſue, *Thomas*, *Robert*, *James*, *Richard*, *John*, *Philip*, *Agnes*, *Dorothy*, and *Alice*.

To his ſecond wife he married Mary daughter of Roger Croft; and by her had iſſue Sir *Strafford Brathwaite* knight, who was killed in the ſhip Mary commanded by Sir Roger Strickland, in an engagement with an Algerine man of war called the Tyger, which ſhip Sir Roger took in that engagement.

5. Sir THOMAS BRATHWAITE knight, ſon and heir of Richard, married Urſula daughter of Sir Jordan Mettam; and by her had iſſue, *Thomas* who died unmarried, *Richard*, *Francis*, *Edward*, *Anthony*, *John*, *Mark*, *Lewis*, *Urſula*, and *Margaret*.

To his ſecond wife he married Elizabeth Nicolſon; and by her had iſſue, *Philip*, *Robert*, *Dorothy*, *Elizabeth*, *Frances*, *Alice*, *Agnes*, and *Catharine*.—In all, 18 children.

He died in 1683, leaving theſe laſt eight young children in a great meaſure unprovided for, except what he could leave to them out of his perſonalty. For he had before made a ſettlement of his eſtate for payment of debts and proviſion for his younger children, being ſuppoſed to be then a widower: for he had not then acknowledged his ſecond marriage, although he had been for ſome time married to his ſecond wife, who was daughter of one of his ſervants. And after his death, his ſon and heir *Richard*, by various devices and ſuits at law, attempted to deprive them of all proviſion and their mother of dower, which he in a great meaſure effected.

6. RICHARD BRATHWAITE of Burneſhead eſquire, ſon and heir of Sir Thomas, married Anne daughter of Sir Henry Waldegrave baronet. What iſſue he had we have not certainly found. In Betham church there is a monument, which ſeems to point out the next in ſucceſſion, *viz.*

7. HENRY BRATHWAITE of Burneſhead eſquire, who ſeems to have received his chriſtian name from the ſaid Sir Henry Waldegrave. The inſcription on the ſaid monument is this: "Here lies the body of Henry Braithwaite of "Burneſide eſquire, who departed this life the 11th of Auguſt 1703. An "inſtance of this world's mutation, this gentleman (againſt all the ſtrokes of "adverſe fortune or the thick clouds of the world) behaved himſelf with a "conſtant loyalty to his prince. An affectionate huſband, a kind and indul-"gent father, a juſt and faithful friend. In all his actions religiouſly cha-"ritable, ſober, reſerved, prudent, and circumſpect."

We are equally uncertain as to his immediate ſucceſſor; moſt probably it was,

8. RICHARD BRATHWAITE of Burneſhead eſquire; who ſold the eſtate to Mr. *Thomas Shepherd*, and died in Wales about 25 years ago.

The

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The arms of Brathwaite are; Gules, on a cheveron Argent 3 croſs croſslets fitchy Sable.

The ſaid THOMAS SHEPHERD ſold ſeveral of the cuſtomary tenements to freehold, reſerving the rent. All the other eſtate at Burneſhead deſcended to his ſon *Thomas Shepherd* eſquire, a gentleman of wit and learning, and eminent in his day in the exerciſe of the office of juſtice of the peace. He ſold the hall, and part of the demeſne, and corn tithe, to *Chriſtopher Wilſon* of Bardſea in Furneſs eſquire, who ſettled the ſame upon his daughter *Sarah* on her marriage with John Gale of Whitehaven eſquire. Another part of the demeſne, called Cowen Head, he ſold to lady Fleming (relict of Sir William Fleming of Ridal baronet), who ſold part thereof to Mr. Thomas Aſhburner of Kendal, who has now thereupon a paper mill. Burneſhead mills were ſold by the ſaid Thomas Shepherd eſquire to Mr. Roger Wakefield of Kendal, from whom the ſame deſcended to the preſent owner his ſon Mr. John Wakefield. And finally, he ſold the manor to the preſent owner thereof Sir James Lowther baronet.

The *hall* is in a very pleaſant ſituation, on a plain, at the foot of an hill which riſes with an eaſy aſcent. At the time of Mr. Machel's ſurvey, in the year 1692, there was a court, with a lodge and battlements, through which the aſcent was into the hall. Before the court was a large pond, on each ſide of the paſſage up to the gate; and on either ſide a little iſland, with a tree planted in it. And in the windows of the gallery and dining-room were the Brathwaite arms, with impalings of the ſeveral families to which they were related.

The CHAPEL of Burneſhead is common to Burneſhead, Strickland Roger, and Strickland Ketel.

To what ſaint it was dedicated, we have not certainly found. There is a well called the *Miller's*, formerly St. *Oſwald*'s well, about 30 yards north-eaſt from the chapel, which probably leads to the name of the tutelar ſaint. The bell was anciently called St. *Gregory's*; but at the conſecration or benediction of the bells in old time, they had not always the name of the ſaint of the church or chapel given to them, but of other ſaints occaſionally: a well near the place, bearing the name of any particular ſaint, is a more certain indication of the name of the ſaint to which the church or chapel was dedicated; the water whereof was reputed ſacred, and reſorted to for the cure of divers maladies, for which an offering was made at the church or chapel, at the altar of the tutelar ſaint.

The original ſalary belonging to this chapel was 20 nobles; raiſed from the inhabitants at ſo much a ſeat. This indeed was the ancient way of raiſing ſalaries to moſt of the chapels, but now the ſum is by length of time become ſettled upon the eſtate. It comes indeed much to the ſame thing; for the houſe and ſeat by law are inſeparable. But this may create a difficulty ſometimes, where new houſes are erected, or old houſes are ſuffered to go down; but

but in this latter caſe it ſeemeth that the ſeat ſhall belong to the owner of the ground where the ancient houſe ſtood.

The preſent revenue of the chapel is as follows:—Ancient ſalary (being part of the ſaid 20 nobles, the reſt by ſome means or other being loſt) 5*l* 17*s* 6*d*.—Five marks yearly out of three parcels of land in Staveley, which were purchaſed in the reign of king Charles the firſt with money given by Mr. Robert Kitchin alderman of Briſtol, born in Strickland Ketel, and by Mr. Rowland Kitchin of Underbarrow: (The reſidue of the rents of the ſaid lands goes to the poor.)—A rent charge of 20*s* yearly out of an eſtate in Strickland Ketel, given by Mr. Thomas Atkinſon of Coppackhow.—An eſtate in Skelſmergh purchaſed with 200*l* given by the governors of queen Anne's bounty, 100*l* given by lady Moyer, ancient chapel money 65*l*, ſubſcriptions in the neighbourhood 91*l* 5*s* 0*d*; and to make up the whole purchaſe money, which was 531*l*, there was added 20*l* ſchool money given by Mr. Alan Bracken, and 31*l* ancient poor ſtock, and the curate Mr. John Towers made up the reſt, *viz.* 23*l* 15*s* 0*d*. Afterwards, Mr. James Hodgſon gave 20*l* to the chapel, and 10*l* to the ſchool, to which the curate added 20*s*, and therewith paid back the poor money. And for the 30*l* ſchool money, the ſchoolmaſter receives a proportionable part of the rent.—Another augmentation of 200*l* was given by the ſaid governors; towards the obtaining whereof, the late Dr. Stratford's executors gave 100*l*, and 50*l* was raiſed by wood ſold off from the Skelſmergh eſtate, and the inhabitants advanced 50*l*, which ſum they borrowed. With which whole ſum of 400*l*, an eſtate was purchaſed in Dent in the county of York; and the preſent curate the reverend William Smith applied the meſne profits as they became due, to diſcharge the ſaid ſum of 50*l*. And the two eſtates at preſent clear to the curate yearly about 40*l*. So that the ſum total of the curate's revenue is about 50*l* a year.

STRICKLAND ROGER AND STRICKLAND KETEL.

STRICKLAND anciently was always written *Stirkland*, being no other than the paſture ground of the *ſtirks* or ſteers and other young cattle.

At what preciſe time this *Stirkland* was divided into moieties, and ſo denominated from the ſeveral owners, hath not appeared to us. It ſeems to have been about the reign of king Henry the firſt, in the time of *Ketel*, ſon of Eldred, ſon of Ivo de Talebois firſt baron of Kendal.

Roger de Lancaſtre above mentioned, baſtard brother of William de Lancaſtre the third, had large poſſeſſions given to him by his ſaid brother, but he had not Strickland Roger, for that continued in the legitimate line; therefore Strickland Roger had not its name from him, but from ſome other probably before his time.

The family *de Stirkland*, which finally ſettled at Sizergh, had not their name from this *Stirkland* of which we now ſpeak, but from *Stirkland* (which in after times was divided into *Great* and *Little Stirkland*) in the bottom of Weſtmor-

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land. They had indeed certain tenements in Stirkland Ketel holden under the lords of the manor, but they were never lords of the manor themſelves.

By the inquiſition aforeſaid after the death of Joan de Coupland in the 49 Ed. 3. it is found, that ſhe held of the crown the hamlet of Stirkland Ketel, as parcel of the manor of Wyandermere; and that others held divers lands there of her, as parcel of the manor of Kirkby in Kendale.

In the 9 Hen. 8. Sir Thomas Parr by his will deviſed to his wife for life the manor of *Strykelond Rogers*; being of that which was afterwards called the Marquis Fee.

And in the 14 Eliz. William Parr, marquis of Northampton, died ſeiſed thereof: And the ſame was aſſigned to his widow for dower, and the particulars in the rental made thereof were as follows; "Manor of Strickland Ro-"ger: Freeholders there; Edward Lancaſter eſquire 26*s* 8*d*. John Maſter "eſquire 11*s* 9*d*. William Gilpin 9*s* 9*d*.—Total of the (cuſtomary) rent "of this manor 15*l* 14*s* 5*d*. Ten ſhillings paid yearly by Mr. Lancaſter's "tenants, to be free of their griſt from the lord's mill, being part of the ſaid "ſum."

In queen Catherine's rental in the 28 Cha. 2. the particulars ſtand thus: "There are held of the ſaid queen, of the *Marquis Fee*, divers tenements in "*Strickland Roger*, of the yearly free or dry rent of 6*s* 8*d*. And divers tene-"ments alſo in *Strickland Kettle*, paying yearly a certain free or dry rent" (ſpecifying the particulars): "And in *Strickland Roger* 12 tenements paying "yearly a finable rent.——And of the *Richmond Fee*; 9 tenements in *Strick-"land Kettle* and *Helſington*, of the yearly cuſtomary or other dry rent of "3*l* 10*s* 10*d*."

At the hamlet of *Strickland Ketel* it happened, in the arbitrary times we before mentioned when ſpeaking of king James's proclamation againſt tenant-right, that another remarkable inſtance of the oppreſſive meaſures of the crown glared forth, with reſpect to the court of wards and liveries. And theſe things we the rather take notice of, as being ſupplemental to the general hiſtory of thoſe days. On the death of one Henry Kitchen of Strickland Ketel, a writ of *Diem clauſit extremum* was iſſued as uſual, in the 14 Cha. 1. The eſcheator ſummoned a jury; who found, that the ſaid Henry Kitchen, whoſe heir was within age, died ſeiſed of two cloſes in Strickland Ketel, which were held of the king *in ſocage*.

The eſcheator William Briſcoe eſquire, and the feodary Robert Curwen gentleman, not being ſatisfied with this finding, certified to the court of wards and liveries, that they apprehended the ſaid cloſes were holden of the king by *knights ſervice*, and not in *ſocage*. (The difference was, if the lands were holden of the king by *knights ſervice*, the king had the profits of the lands during the minority, and the wardſhip and marriage of the heir; if by *ſocage*, the king had not this right.) Upon this, it was ordered by the court, that a *Melius inquirendum* ſhould iſſue; and if the eſcheator or feodary ſhould perceive the jury inclinable to find againſt his majeſty, that then they ſhould forbear to

take their verdict, and adjourn them over to a further day, and bind three or four of the moſt refractory of them to appear at a day certain at London, and receive their evidence at the bar of the court.

Accordingly, a writ of *Melius inquirendum* was iſſued; and a jury impanelled and ſworn. And upon hearing the cauſe, the jury ſeeming inclinable to find againſt the king, the eſcheator and feodary did not take their verdict, but certified to the court, that it appeared upon the inqueſt, that the lands mentioned in the former office were holden of the king as of his manor of Kirkby in Kendale called the Marquis Fee, by certain yearly rents and ſervices; that the ſaid Marquis Fee (and alſo the Richmond Fee), before it came into the crown, was holden of the crown in chief by knights ſervice; that the lands in queſtion were anciently parcel of the lands of one John Burghe; and that there did not appear any tenure in ſocage held of the Marquis Fee; that therefore they adjourned the jury to appear again at Kirkby Kendal on the 19th day of December following, and bound over three of the jury to appear in the mean time in Michaelmaſs term in the court of wards and liveries, and receive their evidence at the bar.

And accordingly, in the ſaid Michaelmaſs term, Miles Sill gentleman, and Thomas Strickland, two of the ſaid jurors bound over, appeared in court. And upon hearing the evidence at the bar, touching the tenure of the ſaid two cloſes heretofore John Burghe's lands, the court did conceive, that all the lands of the ſaid John Burghe were holden of the king as of the ſaid Marquis Fee by knights ſervice: It was therefore ordered by the court, that if it ſhall not be made appear by thoſe that oppoſe the tenure, that the lands in queſtion are none of the lands in either office found of Burghe's lands, or if the proſecutor for the crown ſhall make it appear that rent hath been paid for the ſame as part of the rent of Burghe's lands; then the jury ſhall find a tenure by knights ſervice: And it is further ordered by the court, that no evidence as touching the tenure of Burghe's lands ſhall be given to the contrary.

On the 19th of December, the jurors met at Kendal according to their adjournment. And the order of the court was read unto them. And upon further hearing, they ſtill perſiſted in their former opinion. Wherefore their verdict was not received. And the eſcheator and feodary further certify to the court as follows; *viz.* That proof was made before them, of a free rent having been paid for the ſaid lands by the ſaid Henry Kitchen to the king as of Burghe's lands: But that ſome deeds without date being produced of lands in Strickland Ketel held in ſocage of the Marquis Fee, the jury were inclined to find againſt the king: Whereupon, they the ſaid eſcheator and feodary, inaſmuch as the caſe concerned divers other freeholders holding of the Marquis Fee by knights ſervice, adjourned the jury again to appear before them at Kendal on the 13th day of March following.

This certificate being delivered to the court, and the attorney-general being heard on behalf of the king, the ſaid court on the 6th of February did order, that if at the ſaid next meeting the jurors ſhould not find the tenure according to the direction of the aforeſaid order and decree, the eſcheator or feodary ſhould bind over two of the jurors to appear in court, at their own proper

 charges,

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charges, at a day certain this term, to receive the further order of the court thereupon; and that the payment of 10*l* ordered to Miles Sill and Thomas Strickland two of the jurors, for their attendance to receive the evidence at the bar the laſt term, be ſuſpended until the office be found.

At the ſaid next meeting on the 13th of March, the jurors refuſing to find for the king; the eſcheator and feodary adjourned them again, and bound over Henry Fiſher and James Awdland, two of the ſaid jurors, to appear in the court as above ordered: Who appearing accordingly, on the 16th of May, the court did finally order and decree, That the jurors at their next meeting ſhall find the lands in queſtion to be holden by knights ſervice, without hearing any evidence at all to the contrary *.

——We ſhall make no obſervation upon this; but only felicitate our country, that juries are not treated in this manner in our days; and that this court of wards and liveries, and all the incidents thereof, were aboliſhed by act of parliament ſoon after the reſtoration of king Charles the ſecond. It coſt the nation dear, if any thing could be dear for ſuch a purchaſe; for they gave the exciſe for it. And biſhop Burnet obſerves, that the exchange was made, before either party knew or had conſidered thoroughly what it was they parted with.

Thomas Brathwaite of Burneſhead eſquire, by his will dated 18 Feb. 1606, gave 10*l* for a ſtock for relieving poor houſholders in Strickland Ketel and Strickland Roger; to be lent to them without intereſt yearly, by the churchwardens and overſeers of the poor reſpectively, and the owner of Burneſhead Hall for the time being.

The abbey of Cockerſand had lands in Strickland Roger, called *Hundhow*; where anciently was a chapel called *Chapel le wood*: but there are now ſcarce any footſteps thereof remaining.

In Strickland Roger was heretofore a family of the name of *Godmond*, who gave name to an ancient tower houſe, which ſtill bears the name of Godmond-Hall; and is now the property of John Burn eſquire. Part of the houſe hath been rebuilt, but the tower remaineth in its original form, having been intended as a place of ſecurity and defence. The walls are two yards in thickneſs or upwards, and firmly cemented. The windows ſmall, and croſſed with ſtrong bars of iron. The loweſt floor is arched over, and the next above that laid with maſſy boards or planks grooved into each other, to prevent aſſaults from above. For the predatory parties did not proceed by way of ſap or undermining; but, by a compendious method, ſtrove to unroof the building, and let themſelves down by ropes and ladders.

* Fleming.

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LONG SLEDDALE.

LONG SLEDDALE, like the reſt, belonged to the ancient barons of Kendale. They granted in fee divers tenements there to ſeveral perſons, and finally granted the manor to the *Thornburghs* of Hamsfel and Selſide, who ſold the ſame to *Bellingham*, who ſold to Colonel *James Grahme*, from whom the ſame hath deſcended to the preſent earl of Suffolk and Berkſhire.

In the reign of king Henry the third, *William de Lancaſtre*, baron of Kendal, enfeoffed *Rowland de Renegill* of 29 acres of arable land in Sleddale, and paſture there to the value of 100 *s.* He alſo enfeoffed *Gilbert de Bereburn* of 20 acres of land there. And he enfeoffed *Robert de Leyburne* (to whom alſo he gave Skelſmergh) of three acres and an half in Sleddale of meadow ground, and paſture there alſo.

Amongſt the Eſcheats in the 3 Cha. 1. it is found, that William de Thorneburghe eſquire held 20 meſſuages or tenements with two fulling mills in Sleddale of the late marquis of Northampton, and then of the king; as of his caſtle of Kendal, in ſocage, by fealty and the rent of 6 *d* a year for all ſervices; and that the ſame were of the clear yearly value of 12 *l* 4 *s* 4 *d.*

The tenements have been from time to time all or moſt of them enfranchiſed.

Here is no manor houſe, for the lords of the manor, ſo far as we have found, never reſided at this place. When the *Thornburghs* had the manor, the tenants attended the court at Selſide Hall.

The moſt conſiderable houſe in the dale was *Ubery-hall*, having an ancient tower, and the walls two yards thick. This ſeems to have been part of that which was granted to *Robert de Leyburne* aforeſaid, and came with a daughter of *Leyburne* to a younger brother of *Harrington* of Wreyſham in Lancaſhire, in whoſe name and family it continued for ſeveral generations. In the 28 Cha. 2. one of the *Harringtons* paid to queen Katherine a free rent of 1 *s* for Ubarrow Hall.

The *chapel* ſtands about the middle of the dale, and was made parochial by biſhop Dawes in 1712. The ancient ſalary thereof is 5 *l* 2 *s* 10 *d.*

In the year 1713, four ſiſters of Henry Holme of Long Sleddale deceaſed gave 5 *l* each, and Anthony Denniſon heir at law to the ſaid Henry Holme gave 60 *l*, wherewith an eſtate in Long Sleddale was purchaſed, which was a cuſtomary eſtate; and the infranchiſement thereof was purchaſed by the then curate out of the meſne profits: And the eſtate is now worth about 10 *l* a year.

In 1746, an augmentation of 200 *l* of queen Anne's bounty by lot fell to this chapel, which was laid out in the purchaſe of a freehold eſtate in Long Sleddale, now worth 12 *l* a year or upwards.

So that the whole annual revenue is about 27 *l* a year.

Sleddale Beck, commonly called *Spret*, ſprings in Wrangdale-head in this dale (a place famous for fine blue ſlate got there), runs ſouthward all along

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the dale on the weſt ſide of the chapel and Ubarrow Hall, from thence on the eaſt ſide of Burneſhead Hall, and about half a mile below falls into the river Kent.

KENTMERE.

This place hath its name from the river *Kent*, which ſprings there, and from a *mere* or lake therein called *Kentmere*; which ſaid river gives name not only to this particular diſtrict, but to all the ſouth-weſt part of this county, called *Kendale*. It ſprings about 3 miles north from the chapel, and from thence runs ſouthward through Kentmere, Staveley, Strickland, the townſhip of Kendal, by Natland, Helſington, Levins, and from thence into the ſea. It receives in its courſe two ſmall rivers, *Sprit* and *Mint*. The former ſprings in Long Sleddale, and runs in at Burneſhead. The other ſprings in Fawcet Foreſt, and in its courſe meets with Grayrig water which ſprings above the hall, and falls into Kent about a mile above Kendal.

Kentmere is bounded on the Eaſt by the chapelry of Long Sleddale, on the South by the chapelries of Staveley and Ings, on the Weſt by the top of Garburne Fell, and on the North by Patterdale in the pariſh of Barton and Mardale in the pariſh of Shap.

In the partition of the *Brus* eſtate, amongſt the four ſiſters and coheirs of the laſt *Peter de Brus*, about the 11 Ed. 1. *Margaret* the eldeſt had that which is now called the Marquis Fee; *Agnes* the ſecond had no ſhare in Weſtmorland (her portion being aſſigned to her in Lancaſhire and Yorkſhire); *Lucy* the third ſiſter had that which is now called the Lumley Fee; and *Ladarine* the fourth ſiſter had *Kentmere*.

This *Ladarine* was married to *John de Bella-aqua*, and had iſſue two daughters coheirs; *Sibil* married to *Miles de Stapleton*, and *Johan* married to *Aucherus* ſon of *Henry*.

The ſaid *Miles de Stapleton*, by *Sibil* his wife, had a ſon *Nicholas de Stapleton*, between whom and the ſaid *Johan* (his aunt) in the 5 Ed. 2. a partition was made in chancery of the inheritance; by which partition, the manor of *Kentmere* (beſides divers eſtates in Yorkſhire therein mentioned) were to remain to *Nicholas*.

The ſaid *Nicholas* had a ſon and heir *Miles de Stapleton*, who in the 21 Ed. 3. paid his fine to the king for his relief; and amongſt other particulars, for a certain *chaſe* called *Kentmere*, which *Nicholas* father of the ſaid *Miles* held of the king *in capite*, by hereditary deſcent after the death of *Miles Stapleton* grandfather of the preſent *Miles*, as the third part of the inheritance of *Peter de Brus* in the barony of Kendale, being that part which had belonged to *Ladarine* fourth daughter and coheir of *Peter de Brus*, which came to the ſaid *Miles* the grandfather in right of *Sibilla* his wife firſt daughter and heir of the ſaid *Ladarine*.

In the 47 Ed. 3. on the inquiſition *poſt mortem* of *Thomas de Stapleton*, the jurors find, that the ſaid *Thomas* died ſeiſed of the manor of Kentmere to him and the heirs male of his body; remainder to *Brian de Stapleton* knight; remainder

mainder to *Miles de Stapleton* ſon of *Miles*; remainder to the right heirs of the ſaid *Thomas*. And the jurors ſay, that the ſaid *Thomas* died without heir male of his body, and that the ſaid *Brian* is heir of the ſaid *Thomas* of the manor aforeſaid by the intail aforeſaid: And that *Elizabeth* wife of *Thomas de Metham* knight is ſiſter and heir of the ſaid *Thomas de Stapleton*, and of the age of 24 years and upwards.

The ſaid *Brian* had a ſon *Thomas de Stapleton*, who lived in the reign of king Henry the ſixth. And on an inquiſition of knights fees in the ſixth year of that king, it was found, that *Thomas de Stapleton* (then in wardſhip of the king), ſon and heir of *Brian de Stapleton*, held of the king *in capite* Kentmere in Kendale with the appurtenances, by the ſervice of the 4th part of one knight's fee *.

This manor of Kentmere continued in the name and family of *Stapleton* till the reign of king Charles the firſt; when *Gilbert Stapleton*, in the year 1626, ſold the ſame to *Nicholas Fiſher* of Stanebank Green gentleman.

The *arms* of Stapleton were; Argent, a lion rampant Sable.

Henry Fiſher, a deſcendent of the ſaid *Nicholas Fiſher*, deviſed the manor of Kentmere to be ſold; and the ſame was accordingly purchaſed, in the year 1745, by *Thomas Wilſon* of Kendal gentleman, by whom it was deviſed to his younger ſon the preſent owner *Thomas Fenwick* eſquire; which name of *Fenwick* he took by act of parliament, in purſuance of the laſt will and teſtament of *Robert Fenwick* of Burrow-hall in the county of Lancaſter eſquire.

The whole number of tenements originally in this manor was ſixty; that is, the lands were apportioned and ſet out for the ſuſtentation of ſixty ſoldiers: and the veſtiges of this eſtabliſhment yet remain. The manor is divided into four quarters; each quarter into fifteen tenements; each tenement conſiſts of a proportionable quantity of incloſed ground, with paſture for ten cattle in a common paſture lying within each quarter reſpectively, and privilege for 80 ſheep in another paſture common to the whole manor; and for each tenement a man ſerves the office of conſtable, pays 2*s* a year to the curate of the chapel, and 13*s* 4*d* rent to the lord of the manor. So where a man has two tenements, he ſerves the office of conſtable two years; or if he has half a tenement, he joins with another who has alſo half a tenement, for the finding a conſtable for one year. And ſo of the reſt in like proportion. One of which ancient military tenements, at the preſent improved value, may be deemed to be worth about 10*l* a year.

Having deduced this manor of Kentmere, from its firſt ſeparation from the barony of Kendal at large to the preſent time, we find no room for a family which hitherto hath been ſuppoſed to have been lords of this manor for ſeveral generations. Inhabitants within Kentmere they undoubtedly were, and had a conſiderable eſtate there; but lords of the manor they could not be.—Theſe were of the name of GILPIN.

* All this concerning the Stapletons Mr. Machel had from Dugdale's MSS.

Biſhop

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Biſhop Carleton, in his life of that eminent preacher *Bernard Gilpin*, begins his account of this family with *Richard Gilpin*, who (he ſays) in the time of king John had Kentmere given to him by one of the barons of Kendal, for his extraordinary ſervices both in war and peace. And this is that *Richard* (he ſays) who ſignalized himſelf in killing a wild boar, which had infeſted the neighbouring parts, and done much miſchief. In memory whereof, the *Gilpins* bear in their arms a boar to this day.

That there was ſome perſon of this name who performed ſuch exploit, is very probable, as well from the ſaid bearing on their eſcutcheon, as from univerſal tradition. But that the baron of Kendal at that time gave Kentmere unto him, cannot be aſſerted. Gilbert ſon of Roger Fitz-Reinfred had then the whole barony, and it continued intire for many years after that. And when Kentmere at laſt was ſeparated from the reſt, it paſſed to a granddaughter of the ſaid Gilbert, in whoſe poſterity it continued (as hath appeared) till the reign of king Charles the firſt, and then paſſed into other hands. So that the *Gilpins* never had the manor of Kentmere. The manſion-houſe, which is called Kentmere-hall, they had, and alſo a conſiderable eſtate in land; but not ſo early (as it ſeemeth) as the reign of king John. The learned prelate above mentioned obſerves, that *Richard* was the ſixth anceſtor in the aſcending line from the ſaid *Bernard* who flouriſhed in the reign of queen Elizabeth, which comprehends the ſpace of about 350 years; and it will ſcarcely be found in any inſtance that ſo few deſcents have happened in ſo long a tract of time. The higheſt that we can reaſonably aſcend in the ſixth degree upwards from the ſaid Bernard, is to about the reign of king Edward the third, and the evidences that have occurred to us ſeem to favour this calculation.

1. The firſt in their own family pedigree is the aforeſaid RICHARD GILPIN, who is ſuppoſed to have killed the wild boar above mentioned. He had a ſon,

2. WILLIAM GILPIN; who married a daughter of Thomas Ayray bailiff of Kentmere. In the 48 Ed. 3. this William was one of the jurors on the inquiſition *poſt mortem* of Thomas de Thweng: And in the next year, after the death of Joan de Coupland, he had iſſue,

3. RICHARD GILPIN; who married a daughter of Fleming of Coningſton, and by her had iſſue, *William*, *John*, *Robert*, *Margaret*, and *Iſabel*. From *John* and *Robert* many Gilpins about Kendal are deſcended.

4. WILLIAM GILPIN, ſon and heir of Richard. He was a man eminent in his time. He married Elizabeth daughter of Thomas Lancaſter of Sockbridge; and had iſſue, *Richard*, *Thomas*, *Edward*, *Oliver*, and three daughters married to Bellingham, Aſkew, and Aglionby. He flouriſhed in the reign of king Edward the fourth.

5. RICHARD GILPIN, ſon and heir of William. He married Dorothy Thornburgh; and had iſſue, *William*, *Edwin*, *Sabergh*, *Caber*, *Gifflat*, *Giles*, *Ambroſe*, and four daughters married to Lancaſter, Dickſon, Bateman, and Birkhead. He died in the reign of king Richard the third.

6. WILLIAM GILPIN, ſon and heir of Richard. He was a captain at the battle of Boſworth-field, and was there ſlain. And having died without iſſue, he was ſucceeded by his brother,

7. EDWIN

7. EDWIN GILPIN; who married Margaret daughter of Thomas Layton of Dalemain, and by her had iſſue, *William*, *George*, *Randolph*, *Bernard*, *Richard*, and three daughters, *Cicely*, *Mary*, and *Margaret*, married to Maud, Wharton, and Selthorp. He married a ſecond time, and had iſſue by that ſecond marriage, *Randolph*, *Chriſtabel*, and *Helen*.

George, the ſecond ſon above mentioned, was ambaſſador of queen Elizabeth to the States of Holland.

Bernard, the fourth ſon, was the famous preacher above mentioned, whoſe life was ſet forth by his cotemporary Dr. Carleton biſhop of Chicheſter. He was entered in Queen's college in Oxford in the 25 Hen. 8. and was afterwards removed to Chriſt-Church in that univerſity, being one of the firſt ſcholars upon that foundation. He was collated by Tunſtal biſhop of Durham (who was his mother's uncle) to the rectory of Houghton. He was learned, pious, charitable, and indefatigable in preaching and doing good. On the death of Oglethorp biſhop of Carliſle, the queen offered to him that ſee, which he refuſed, though ſtrongly ſolicited to accept it by his kinſman Edwin Sandes biſhop of Worceſter, afterwards archbiſhop of York. He publiſhed a ſermon which he had preached before king Edward the ſixth, concerning the robbery of the churches.

8. WILLIAM GILPIN, ſon and heir of Edwin, married Elizabeth daughter and coheir of Thomas Waſhington gentleman; and had iſſue *George* and ſix other ſons, and ſeven daughters, married to Gilpin, Layton, Wharton, Cowper, Carus, Benſon, and Mallory.

9. GEORGE GILPIN, ſon and heir of William, was twice married, to two of his tenants daughters; and had iſſue,

10. WILLIAM GILPIN, who married to his firſt wife Dorothy daughter of Sir Richard Sandford of Howgill, and by her had a ſon *George*. To his ſecond wife he married Magdalen daughter of Danby of Maſham, and by her had iſſue, *Chriſtopher*, *John*, *Elizabeth*, *Mary*, *Margaret*, and *Anne*.

11. GEORGE GILPIN married Catharine daughter of Robert Philipſon of Hollinghall gentleman; but had no iſſue. He was ſucceeded by his half-brother as next in tail, *viz.*

12. CHRISTOPHER GILPIN, in whom the direct male line ended. He had a daughter and heir married to *Nathanael Nicholſon* of Hawkſhead-hall; who had a ſon *Daniel Nicholſon*; who had iſſue two daughters coheirs, 1. *Beatrix*, married firſt to Mr. Sands of Graythwaite attorney at law, to whom ſhe had a child that died young; to her ſecond huſband ſhe married Mr. John Copley attorney at law, nigh Egremont, to whom ſhe had children. 2. *Judith*, married to Mr. George Carus of Sellet nigh Kirkby Lonſdale.—But the eſtate was ſold to Sir *Chriſtopher Philipſon* of Crooke.

The *arms* of Gilpin were; Or, a boar paſſant Sable, armed Gules.

The ſaid Sir *Chriſtopher Philipſon* had three daughters coheirs; who ſold the eſtate to Sir *Daniel Fleming* of Ridal baronet. Which Sir *Daniel* deviſed the ſame to his ſon *Richard Fleming* eſquire; from whom it hath deſcended to his

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three daughters and coheirs, *Catherine* wife (now widow) of George Cumpſtone of Ambleſide gentleman, *Barbara* and *Iſabella*, both now living and unmarried.

The *hall* is an old building, with a tower, ſtanding under a vaſt craggy mountain.

The *chapel* is erected nigh the hall, about 12 miles north from the pariſh church. The ancient ſalary thereof is 6*l* a year, being an aſſeſſment after the rate of 1*s* for every noble of rent paid to the lord.

Beſides which, about 30 years ago, an allotment of 200*l* of queen Anne's bounty fell to this chapel; with which an eſtate was purchaſed in Strickland Ketel, now let for 12*l* a year.

Towards a further augmentation, the executors of the will of the late Dr. Stratford gave 100*l*, and the inhabitants added thereto another 100*l* being moſt of it charity money given by divers perſons to the ſaid chapelry; whereby having procured 200*l* from the governors of the ſaid bounty, an eſtate in Whitwell and Patton called Patton Folds was purchaſed for the ſum of 400*l*, now let for about 20*l* a year.

Dr. Ayray, provoſt of Queen's College in Oxford, was born in this chapelry; and bequeathed to the ſame 40*s* a year for a monthly ſermon.

STAVELEY AND HUGILL.

Having now advanced to the furtheſt extremity of the pariſh towards the north-weſt, we turn ſouthwards to STAVELEY and HUGILL.

In the diviſion of the *Brus* moiety of the barony of Kendal amongſt the ſiſters of *Peter de Brus*, a great part of what we now ſpeak of was given to the third ſiſter *Lucy* who was married to *Marmaduke de Thweng*, who had two daughters *Lucy* and *Margaret*, betwixt whom the inheritance was divided; one of which daughters was married to *Lumley*, and the daughter and heir of the other married to *Hotham*. But the eldeſt ſiſter of *Brus* had ſome ſhare herein likewiſe, from whom it deſcended to the *Parrs*, being part of the Marquis fee.

Staveley and *Hugill* are bounded on the eaſt by Long Sleddale, being divided therefrom by the ridge of Potter Fell; on the ſouth by Underbarrow, being divided by the top of Ratherhead; on the weſt by Crook, being divided by the ridge of Brackenthwait Fell; and on the north by Kentmere, being divided by Blackbeck which runs by Milrigg.

After the death of *William de Thweng*, in the 14 Ed. 3. the inquiſition finds, that he died ſeiſed of the park of Staveley, the herbage whereof was worth 53*s* 4*d* in ſummer, and in winter nothing; of the fulling mill there, worth by the year 10*s*; of certain lands at Reſpton, worth yearly 29*s*; of the rents of free tenants and tenants at will at Staveley and Sapgill 8*l* a year, and at Hogill and Reſpton 9*l*.

Amongſt

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Amongſt the Eſcheats in the 1 Hen. 5. it is found, that *John Hothame* knight held the manor of Staveley; and that *John Hothame* was his ſon and heir. And in the 12 Eliz. the *Hothams* ſold their ſhare to *Bellingham*.

In the aſſignment of dower to Helena marchioneſs of Northampton in the 15 Eliz. amongſt other particulars are theſe following:—*Hewgill:* Total of the cuſtomary rent there, parcel of Kendal caſtle, by the year, 3*l* 19*s* 9*d*.—*Staveley:* Freeholders there, James Harrington gentleman for lands in Sleddale 12*d*. The heirs of Thomas Waſhington 18*d*. The heirs of Rounthwat and Gilping for lands in Staveley 22*d*. Rowland Philipſon gentleman for lands there 12*d*.—*Staveley and Hewgill late Ducket's lands:* Agnes Ducket widow holdeth the manor place of Ducket's lands called Gilthwait Rigg, conſiſting of a dwelling-houſe and out-houſes and 58 acres of land, and payeth yearly 40*s*.—*Total of the rent of Staveley and Hewgill:* Tenant-right 12*l* 11*s* 9*d*. Intacks 12*s* 0½*d*. Concealed rents 3*s*. Greenhue 5*s* 8*d*. Improved rent in Staveley 8*s* 6*d*.

In the 20 Eliz. after the death of *Alan Pellingham* eſquire, it is found, that he died ſeiſed of the manor of Staveley, and of divers lands, tenements, and hereditaments in Over Staveley, Nether Staveley, Sadgill, Reſpton, Fairbank, Hewgil, Griſmere, Langden, Potterfell, Vowflatt, Ulthwaite, Raderhead, Saberghe, Crookefell, Weſtwood, and Rogerholme, and a fiſhery in Winandermere and the lakes of Skelleſwater and Griſmere, and a moiety of the watermill in Reſpton: And that he held the ſame of the queen by knights ſervice.

In the ſame year it was found, that *William Gilpin* held the manor of Over Staveley: That is, he held *part* of the manor; for a jury upon an inquiſition in the like caſes were ſeldom very exact in ſetting forth what particular part every perſon held.

In the 38 Eliz. it is found, that *Robert Bindloſe* eſquire and *James Bellingham* eſquire held of the queen as of her barony of Kendale, in free ſocage and not *in capite*, in Nether Staveley, one capital meſſuage called Aſwaythall, and two other meſſuages called Brackenthwait and Headhouſe, and divers other meſſuages and tenements there.

In the 6 Cha. 1. *Rowland Philipſon* gentleman held in Staveley, by fealty, and 12*d* rent, one capital meſſuage called Hollinghow, and a parcel of land and wood called the Outwoode, of the king as of his caſtle of Kendal.

In the 11 Cha. 1. one capital meſſuage called Aſhes, with 31 acres of land, in Staveley-Godmond (ſo called from Godmond who had eſtates there), were holden of the king as of his manor of Kendal called the Marqueſſe fee, by the yearly rent of 16*d* for all ſervices, by *Chriſtopher Philipſon*; his heir being within age.

In the 28 Cha. 2. there were holden of Katherine queen conſort in Staveley and Hugill of the Marquis Fee, 6 freehold tenements of the yearly rent of 4*s* 7*d*. Thirteen cuſtomary tenements of the yearly rent of 5*l* 17*s* 4½*d*. Fulling mills and lords acres, of the rent of 1*l* 8*s* 4*d*. And 15 cottages, of the rent of 1*l* 13*s* 4*d*. Four other tenements in Hugill, paying a free or dry rent of 3*l* 19*s* 9*d*. Ulthwaite mill in Hugill, 1*s* 2*d*.

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Several courts are held by the ſeveral lords, and the tenements lie intermixed.

In the 2 Ed. 3. *William de Thweng* obtained a grant of a market on Friday weekly at Staveley, and a fair yearly on the eve, day, and morrow of St. Luke *.

And in the 9th year of the ſame king, the ſaid *William* obtained a charter of free warren in Staveley †.

The *chapel* of Staveley is a fair building, with an handſome ſteeple and three good bells. To what ſaint it was dedicated is not certain: From the inſcription on one of the bells, it ſeems to have been St. Margaret; *viz.*

Margaretam
Concrepat illa divam
Voce ſonoram.

On another of the bells is inſcribed "In the name of God. Amen."

The ancient ſalary was 20 nobles. And Henry Nicholſon of Pick'd-how in Over-Staveley gave 10*s* for a ſermon to be preached on St. Thomas's day yearly.

Belonging to the ſame are alſo two eſtates, one of them at New-houſe in Patton, and the other at Crow Park in Natland, purchaſed with the ſum of 400*l*; of which 100*l* was lady Moyer's, procured by Dr. Gaſtrel biſhop of Cheſter, 100*l* by the inhabitants and other benefactors, and 200*l* by the governors of queen Anne's bounty: which eſtates are now worth to the preſent curate George Myers, B. A. 26*l* 10*s* 0*d* yearly.

There are alſo two tenements called Low Scroggs and Elfhow, worth about 30*l per annum*, which were given by George Jopſon of Staveley in the year 1696, to a preaching miniſter that ſhall officiate as curate at Staveley, provided he ſhall teach and inſtruct children, and perform the office of a ſchoolmaſter within the ſaid chapelry.

Staveley and *Hugill* were originally one chapelry. But afterwards a ſeparate chapel was erected at INGS in Hugill, ſo called from a long Ing or watery meadow, at the head of which it ſtands. But the inhabitants of Hugill ſtill pay a ſalary of 40*s* a year to the chapel of Staveley, and have ſeats, and chriſten and bury there.

The ancient ſalary of this chapel is 7 nobles. Which was augmented with 5 marks a year paid by the king's auditor. And 12*l* a year was given to this chapel, in the year 1655, by Mr. Rowland Wilſon of the Low hall in Graſgarth, where he was born. He had been a poor boy, and going to London acquired there a conſiderable fortune. He gave this augmentation for the curate to teach the children of the chapelry *gratis* ‡.

There are alſo belonging to this chapel two eſtates; one of them in Middleton, purchaſed with 200*l* which came by lot from the augmentation of queen Anne's bounty; and the other in the pariſh of Aldingham, purchaſed with

* Denton. † Id. ‡ Machel.

the

the Sum of 400 *l*, being 200 *l* given by Mrs. Mary Foſter of Kendal, and 200 *l* bounty-money: both together worth yearly 23 *l* 15 *s* 0 *d*.

Alſo a place called Chapel-houſe, built for the curate's reſidence, of the yearly value of 9 *l*.

Robert Bateman eſquire, merchant at Leghorn, by his will charged an eſtate belonging to him called Riſton-hall, with the payment of 12 *l* a year to this chapel, and 8 *l* to the ſchool; but this deviſe being ſince the mortmain act of the 9 Geo 2. is deemed to be void.

The ſaid Mr. Bateman gave 1000 *l* for the benefit of the poor of Ings, which he ordered to be laid out in purchaſing an eſtate within the townſhip, and 8 cottages to be built thereon for the reception of ſo many of the moſt neceſſitous families belonging to the ſaid townſhip. Accordingly an eſtate was purchaſed at Graſgarth, and houſes erected thereon, the expence of which purchaſe and building amounted to 810 *l*, and the remainder hath part been laid out in a purchaſe, and part out at intereſt. And when all this is done, it is doubted by many, whether this charity is beneficial to the townſhip, as it draws to it a number of poor, ſtriving to get ſettlements.

There is a ſum of 50 *s* yearly to be given on Good Friday to the poor houſholders of Nether Staveley chiefly, charged upon Broadfoot there; and 10 *s* yearly to the poor of the Brow and Gate, charged upon Langcloſe; by Mr. Fleming.

At Gaſgarth there was anciently a chapel called St. Anne's, about a quarter of a mile north-weſt from the preſent chapel of Ings.

CROOK AND WINSTER.

Theſe two, in like manner as Staveley and Ings, were originally one chapelry; but now they are two diſtinct chapelries.

The tenants in CROOK are intermixed, in like manner as thoſe in Staveley and Hugill, being part of the Marquis fee under the crown, and part of the Lumley fee under different lords.

In the 3 Ed. 2. after the death of *William Roos*, the inquiſition finds, that *Simon de Gnype* held of the ſaid *William* the 4th part of the hamlet of Crok, by the cornage of 5 *s* 11½ *d*, and for puture of the foreſters 6 *s*.

In the 15 Eliz. part of the jointure of *Helena* widow of *William Parr* marquis of Northampton was, The rent of Crook and improvements there 15 *s* 7 *d* a year.

In the 41 Eliz. it was found, that in Crook 17 meſſuages or tenements in the ſeveral tenures of divers cuſtomary tenants were holden by *William Knype* gentleman, of the queen as of her barony of Kendal, by knights ſervice, *viz.* the 50th part of one knight's fee, and were worth by the year 4 *l* 18 *s* 4 *d*.

Crook *hall* was anciently called Thwatterden hall, and for ſeveral deſcents belonged to the *Philipſons*; a younger branch of which family ſettled here, the elder remaining at Calgarth.

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The firſt of the ſaid younger branch that ſettled here, was,

1. Myles Philipson of Thwatterden-hall eſquire, ſecond ſurviving ſon of *Chriſtopher Philipſon* of Calgarth eſquire; which *Chriſtopher* died in the 7th year of queen Elizabeth. The ſaid *Myles* married Barbara ſiſter and coheir of Francis Sands of Coniſhead in Lancaſhire, and by her had iſſue, (1) *Robert.* (2) *Francis.* (3) *Chriſtopher Philipſon* of Coniſhead, who married Bridget daughter of Roger Kirkby of Kirkby eſquire, and had iſſue Myles, Thomas, and Chriſtopher. (4) *Thomas.* (5) *John*, fellow of Merton college in Oxford. (6) *Myles*, a captain; who married Anne daughter of John Wharton of Kirkby Thore eſquire. (7) *Elizabeth.* (8) *Jane.* (9) *Anne*, married to Thomas lord Arundel of Wardour, count of the Holy Roman empire. (10) *Mary*, married to Samuel Knype of Fairbank in Weſtmorland.

2. Robert Philipson of Thwatterden-hall eſquire, ſon and heir of Myles, married Anne daughter of Ralph Latus of Beck-hall in Cumberland; and by her had iſſue, (1) *Chriſtopher.* (2) *Elizabeth*, married to George Corham of Barton in the county of Southampton.

3. Christopher Philipson of Thwatterden hall eſquire, ſon and heir of Robert. He married Mary daughter of William Huddleſtone of Milholmecaſtle in Cumberland eſquire, and by her had iſſue, (1) *Huddleſton Philipſon.* (2) *Robert*, who was major of a regiment in the ſervice of king Charles the firſt, and for his military atchievements was diſtinguiſhed by the ſtyle and title of Robin the Devil: He married Anne daughter of Thomas Knype, and had iſſue a ſon Robert. (3) *Elizabeth*, married to Latus.

This Chriſtopher died in the 7 Cha. 1. and by inquiſition it was found, that he died ſeiſed of one capital meſſuage and tenement in Helsfell, with 60 acres of land; one meſſuage called Crook-hall, with 24 acres of land; and ſix other meſſuages in Crook; holden of the king as of his manor of Kendal called the Marquis Fee, by knights ſervice: And that Huddleſton Philipſon his ſon and heir was then within age.

4. Huddleston Philipson of Crook-hall, eſquire, married Elizabeth daughter of Alan Aſcough; and by her had iſſue, (1) *Chriſtopher.* (2) *Alan*, who married Mary widow of Arthur Beſt, but had no iſſue. (3) *Robert.* (4) *Miles.*

5. Christopher Philipson of Crook-hall, eſquire, was knighted by king Charles the ſecond in the year 1681, being then repreſentative of the county of Weſtmorland in parliament. He married Clara widow of Francis Topham eſquire, and daughter of Samuel Robinſon of Cowton-grange in Yorkſhire; and by her had iſſue three daughters, *Frances*, *Elizabeth*, and *Clara.* Theſe three daughters ſold the eſtate to major Pigeon, natural ſon of king Charles the ſecond; whoſe daughter was married to Ralph Day eſquire the preſent owner.

The *chapel* of Crook is a fair building, with a tower ſteeple, and one bell. The ancient ſalary is 3*l* 16*s* 6*d.* It received an augmentation of 200*l* of queen Anne's bounty by lot in 1751, with which an eſtate was purchaſed in Stainton, now of the yearly value of 10*l.* In 1767, it received another augmentation of

of 200*l* by lot, with which an eſtate was purchaſed in the chapelry, of the yearly value of 7*l*. There is alſo another eſtate at Lane-head in Crook belonging to this chapel, of the yearly value of 5*l*, but by whom given is not known.

WINSTER, though it is in the pariſh of Kendal, yet is ſaid to be in the conſtablewick of Undermilbeck in the pariſh of Windermere; probably becauſe the tenements were holden of the Philipſons of Calgarth in Undermilbeck. The laſt Philipſon of that place left four daughters, Mary, Frances, Jane, and Clara; who ſold the manor in 1717, to John Taylor and Miles Birket both of Winſter, who conveyed to the ſeveral tenants reſpectively, ſubject only to the payment of a free rent to the crown.

The *chapelry* of Winſter was anciently a part of the chapelry of Crook; and the inhabitants of Winſter ſtill pay towards the repairs of Crook chapel.

The original ſalary of Winſter chapel was certified in 1717, at 3*l* 19*s* 0*d*. To which alſo belongs an incloſure of meadow ground lying in Winſter, given by Mr. Knipe in the year 1617. Alſo to the ſaid chapel belongs an eſtate in Cartmel Fells, purchaſed with 200*l* which came to it by lot from queen Anne's bounty in 1720. And an eſtate in Dent, purchaſed in 1760, with 400*l*; of which ſum 200*l* was contributed by the governors of the ſaid bounty, 100*l* by Dr. Stratford's executors, and 100*l* by divers other benefactors. The whole yearly revenue of the ſaid chapel now amounts to about 25*l* a year.

Part of Cartmel Fells, though in another pariſh and county, pays to the curate of this chapel, as part of the chapelry, for the eaſe and convenience of thoſe parts, being far diſtant from their mother church.

This place gives name to the rivulet called Winſter Beck; which almoſt from head to foot divides Weſtmorland from Lancaſhire.

UNDERBARROW AND BRADLEY FIELD.

This is the laſt diviſion that remains to be ſpoken of in the pariſh of Kendal.

UNDERBARROW hath its name from its ſituation under the *barrow*, hill, or ſcar, which extends from north to ſouth all along in this diviſion.

That part which is called BRADLEY FIELD received its denomination from a family of the name of *Bradley*, which came from *Bradley* in Lancaſhire. They had alſo poſſeſſions in the pariſh of Betham. The laſt of whom, *viz. John Bradley* married Anne daughter of Robert Brathwaite of Ambleſide eſquire, and by her had iſſue three daughters coheirs: 1. Elianor, married to John Oſbaldeſton of Oſbaldeſton in the county of Lancaſter eſquire. 2. Elizabeth, married to Thomas Talbot of the county of York eſquire. 3. Jane married to William Laborne of Conſwick eſquire.——The arms of Bradley are; Sable, a feſs; and above that a mullet between two croſs croſslets fitche, Or.

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This family of *Layburn* at *Conſwick* in this diviſion hath been very ancient, and a very conſiderable family in the county. The ſucceſſion whereof in a chronological ſeries, ſo far as we have been able to make it out (though we cannot vouch for it as a regular pedigree all along from father to ſon), is as follows:

1. *Robert de Leyburne* is the firſt we find mentioned; to whom, in the reign of king Henry the third, William de Lancaſtre, baron of Kendal, granted Skelſmergh. He had a ſon,

2. *John de Leyburne*; who had a ſon,

3. *Nicholas de Leyburne*, whoſe wife's name was Margaret; for in the 9 Ed. 1. a fine was levied, between Nicholas de Laybourne and Margaret his wife, and John de la Chamber and Sibil his wife, of certain lands in Skailſmer, Syzar, and Strickland Ketell; to hold to the ſaid Nicholas in fee. In the 33 Ed. 1. he was knight of the ſhire, together with Sir Hugh de Lowther.

4. *Robert de Leybourne*, in the 8 Ed. 2. was elected to repreſent the county of Weſtmorland in parliament.

5. *Thomas de Layborn*, in the 48 Ed. 3. was one of the jurors on the inquiſition *poſt mortem* of Thomas de Thweng.

6. In the 14 Ric. 2. *John de Layborn* was one of the jurors on the inquiſition after the death of Thomas de Roos. And again in the 9 Hen. 4. after the death of John Parr.

7. In the 6 Hen. 4. and again in the 12 Hen. 4. *Robert de Leybourne* was one of the knights of the ſhire for Weſtmorland.

8. *John de Leyborne*, in the 13 Hen. 4. was one of the jurors on the inquiſition *poſt mortem* of Philippa daughter of Ingelram de Coucy.

9. *Philip de Leyborn*, in the 10 Hen. 6. was a juror on the inquiſition *poſt mortem* of John de Clifford.

10. *Robert de Leyborne*, in the 1 Hen 6. was choſen knight of the ſhire for Weſtmorland. This Robert had a daughter married to a younger brother of Harrington, who brought with her in marriage Ubery-hall in Long Sleddale to the family of Harrington.

11. *Nicholas Layborn*, in the 14 Hen. 6. was one of the jurors on the inquiſition *poſt mortem* of John duke of Bedford the king's uncle.

12. *James Laiborne* of Cunſwick eſquire, in the reign of king Hen. 7. married Katherine daughter of Sir Henry Bellingham of Burneſhead.

Of this family probably was Roger Leybourne, who was fellow of Pembroke-hall, and afterwards conſecrated biſhop of Carliſle in the 19 Hen. 7.

The ſaid James Laiborne, by his wife Katherine Bellingham, had a ſon,

13. *Thomas Laiborne* of Cunſwick eſquire; who married Margaret daughter of Sir John Pennington of Moncaſtre knight.—Beſides their ſon and heir *James*, they had a daughter *Janet*, married to Robert Philipſon of Hollinghow eſquire.

The ſaid Thomas died Aug. 5. in the 2 Hen. 8. and by an inquiſition on the 16 Jan. following, it appears, that he died ſeiſed of the manors of Conſwyk, Bradley, and Skelſmergh: And that James his ſon and heir was then of the age of 20 years.

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14. Sir *James Layborn* of Cunſwick was knight of the ſhire in the 33 Hen. 8. He was twice married: Firſt, to Elena daughter of Sir Thomas Curwen knight; and by her had (1) *Nicholas*. (2) *Catherine*, married to Richard Ducket of Grayrigg eſquire. His ſecond wife was Elinour daughter of Sir Thomas Preſton knight; by whom he had (1) *Thomas*. (2) *Elizabeth*, married to Thomas lord Dacre, and after his death to Thomas duke of Norfolk. (3) *Anne*, married to Sir William Stanley lord Mounteagle, ſon and heir of Sir Thomas Stanley, ſon and heir of Sir Edward Stanley the firſt lord of that title.

15. *Nicholas Layborne* of Cunſwick eſquire. He married Elizabeth Warcop [widow, as it ſeemeth, of Thomas Warcop the laſt of that name] of Smerdale. They had iſſue, (1) *James*, who married Bridget daughter and heir of Sir Ralph Bulmer, but died without iſſue, for any thing that appeareth. (2) *William*, who ſucceeded to the inheritance. (3) *Bridget*, married to Arthur ſecond ſon of James Philips of Brignall in the county of York eſquire. (4) *Elizabeth*. (5) *Julian*. (6) *Dorothy*.

16. *William Layborn* of Cunſwick eſquire, ſecond ſon of Nicholas by his wife Elizabeth Warcop. [And with him, and not before, begins the pedigree certified at Dugdale's viſitation in 1664. *] He married Jane one of the three daughters and coheirs of John Bradley of Betham. They had iſſue, (1) *John*. (2) *George Layborn*, D. D. preſident of the college at Douay. (3) *Nicholas*, vice-preſident of the ſame. (4) *Charles*. (5) *Thomas*, who married Mary Bradley of Arnſide. And ſeveral daughters; one of whom, *Elizabeth*, was married to Anthony Ducket of Grayrigg eſquire.

17. *John Leyburne* of Cunſwick eſquire. He married to his firſt wife Catherine daughter of Sir Chriſtopher Carus of Halghton in Lancaſhire; and by her had (1) *William*, who died in his father's lifetime, without iſſue; being ſlain in a ſkirmiſh at Sheriff Hutton in Yorkſhire in the year 1642, being then cornet of horſe in the queen's regiment. (2) *Thomas*, who ſucceeded to the inheritance. (3) *James*, an officer in the French ſervice. (4) *John*, a biſhop of the Romiſh church. And three daughters; (1) *Jane*, married to Richard Sherburne of Heyſham in Lancaſhire. (2) *Elizabeth*, married to Henry Wiſeman in Maryland. (3) *Lucy*, married firſt to Thomas Kitſon of Killington, afterwards to Robert Weſtby of Winder in the county of Lancaſter.

The ſaid John married to his ſecond wife Mary daughter of William Croft of Claughton in the county of Lancaſter eſquire; and by her had *George*, *Nicholas*, *Roger*, *Charles*, *William*, *Frances*, and *Catherine*.

In the time of this John, the family removed to Witherſlack, having purchaſed the hall and demeſne there, during the diſtreſſes of the Derby family.

John died in the year 1663; and was ſucceeded by his ſecond ſon as aforeſaid, *viz.*

18. *Thomas Leyburn* of Witherſlack eſquire. He married Dorothy daughter of William Laſcells of Brackenburgh in the county of York eſquire; and by her had (1) *John*, who was of the age of 11 years at Dugdale's viſitation

* Machel.

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aforeſaid. (2) *Catherine*, married to Dr. Marmaduke Witham of Cliff in the county of York. (3) *Elizabeth*. (4) *Anne*.—The ſaid Thomas died in 1672.

19. *John Leyburn* of Witherſlack eſquire. He died unmarried in 1679; and was ſucceeded at Witherſlack by his three ſiſters coheirs. But Cunſwick and the other intailed eſtates came to the then next ſurviving heir male, *viz.* George Leyburn of Neatby in Lancaſhire, ſon of John at N° 17. by his ſecond wife Mary Croft.

20. *George Leyburn* of Cunſwick eſquire, married Anne Stanley of Dalegarth in Cumberland: And by her had iſſue, *John*, *George*, *Nicholas*, *James*, and four daughters.

21. *John Leyburn* of Cunſwick eſquire, married Lucy only daughter of Thomas Dalſton of Hornby eſquire, counſellor at law; and died without leaving iſſue. His brothers *George*, *Nicholas*, and *James*, all died unmarried. Of his ſiſters, two only were married. The eldeſt ſiſter *Mary* was married to Marmaduke Tunſtall of Barningham, and died without iſſue. The other ſiſter was married to Mr. Walton of Winder nigh Cartmell, and left iſſue a daughter; which daughter was married firſt to Thomas Cholmondeley of Brandſby in Yorkſhire, to whom ſhe had no child. To her ſecond huſband ſhe married George Ann of Burwallis, to whom ſhe had only a daughter, who died young.—So that the family is now totally extinct.

The ſaid John, having been engaged in the rebellion in 1715, this eſtate became forfeited, and was purchaſed of the crown by *Thomas Crowle* gentleman, from whom it deſcended to his ſon George Crowle gentleman; after whoſe deceaſe in 1753 the ſame was ſold to the preſent owner Sir James Lowther baronet.

The *arms* of Leyburn are; Azure, 6 lioncells rampant, 3, 2, and 1, Argent, langued and membred Gules. The creſt: On a wreath Argent and Azure, an hawk regardant Azure.

Underbarrow is part of the Marquis Fee, and part of the Lumley Fee. That part which is of the Marquis Fee, in the ſurvey made in the 28 Cha. 2. ſtands charged, for 26 tenements, with the cuſtomary rent of 19*l* 5*s* 7*d*. The fulling mill rents 1*l* 0*s* 8*d*. Cunſwick ſtands charged with a free or dry rent of 18*d* for one pound of pepper; and Bradley Field with 4½*d* for a quarter of a pound of pepper.—That part which is of the Lumley Fee belonged to the Bellinghams, and was by them ſold to Colonel James Grahme, from whom the ſame hath deſcended to the preſent earl of Suffolk and Berkſhire.

There was an ancient chapel at this place, and the ſalary belonging to the ſame was 6*l* 4*s* 2*d* a year: Or rather perhaps 6*l* 13*s* 4*d*; part of which hath been loſt probably, as is not unuſual in like caſes. For twenty nobles was the ſtipulated ſum at the foundation of many of the chapels to be ſettled for the maintenance of a curate: Which ſum, conſidering the continual decreaſe in the value of money, was equal to 30, 40, or 50*l* a year now.

In the year 1708, this chapel was rebuilt at the expence of the inhabitants of Underbarrow only (for Bradley Field is not in the chapelry). And in 1732, an

an eſtate in Killington called High Bendrigg was purchaſed for the uſe of this chapel, with the ſum of 400*l*, whereof 200*l* was given by the ſaid Colonel Grahme and lady Moyer, and the other 200*l* by the governors of queen Anne's bounty.

There is alſo belonging to the ſaid chapel a rent charge of 30*s* yearly iſſuing out of a field in the ſaid townſhip. And a ſmall eſtate called Chapel Houſe (which houſe is ſituate about 100 yards from the chapel) now let for 7*l* a year; out of which is paid 35*s* yearly to the poor houſholders of the townſhip, in conſideration of 35*l* poor ſtock laid out in the purchaſe of the ſaid eſtate.

The whole revenue of the chapel ariſing from the premiſſes, amounts at preſent to about 34*l* a year.

PARISH OF GRESMERE.

I. *Greſmere church and manor.*
II. *Rydal and Loughrig.*
III. *Langdale and Baiſbrow.*

I.

GRESMERE CHURCH AND MANOR.

GRESMERE is ſuppoſed by ſome to have had its name from the *graſſy mere* or lake there. But anciently it was never written *Graſmere* (much leſs *Graſmire)*; but moſt commonly *Greſmere*, ſometimes *Griſmere*. From whence one might conclude, that it received its name from the *griſe* or wild ſwine, with which this country formerly abounded. In like manner as in the adjoining pariſh of Barton, there is *Griſedale*, *Boardale*, *Stybarrow*, and ſuch like. In Kentmere, Richard Gilpin is ſuppoſed to have ſignalized himſelf as aforeſaid for killing a wild boar, which infeſted all the neighbouring parts.

The pariſh of Greſmere is bounded on the Eaſt by Patterdale in the pariſh of Barton, from which it is divided by the very ridge or top of the mountains; on the South, by the pariſh of Windermere, from which it is divided in part by Stockbridge water; on the Weſt, by Furneſs Fells in Lancaſhire, from which it is divided by the river Brathey; and on the North, by part of Cumberland, from which it is divided by the ridge of mountains called Langdale Fells, as the water runs off to each ſide of the mountain.

The church is dedicated to St. Oſwald, as is ſuppoſed, from a well called St. Oſwald's near unto the church.

It is rated in the valuation in the king's books in the 26 Hen. 8. at 28*l* 11*s* 5½*d*.

This pariſh (as alſo that of Windermere) was originally a chapelry only within the pariſh of Kendal; but by length of time, and little or no commu-

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nication with the mother church by reaſon of the diſtance, it hath acquired the reputation of a diſtinct pariſh. When the church of Kendal was appropriated to the abbey of St. Mary's York, a penſion was appointed to be paid out of Greſmere to the ſaid abbey of 1 *l* 13 *s* 4 *d*. But the chapel continued in the patronage of Ingelram de Gynes and Chriſtian his wife, in the 30 Ed. 1.

Accordingly, in the 49 Ed. 3. after the death of Joan de Coupland, the inquiſition finds, that ſhe died ſeiſed of the advowſon of the *chapel* of Griſmere, which was then valued at 10 *l*.

In the 3 Hen. 8. the king nominated to the abbot and convent of St. Mary's near York walls, under the great ſeal, *John Froſt* to be preſented unto the *chapel* of Greſmere, being then void by the reſignation of *Hugh Aſhton*.

And in the 16 Hen. 8. the king nominated *William Holgill* to the ſaid *chapel*.

After the diſſolution of the monaſteries, the patronage of this chapel was granted to the *Bellinghams*. And in the 16 Eliz. *Alan Bellingham* eſquire, for the ſum of 100 *l*, ſold the ſame to *William Fleming* of Ridal eſquire, in whoſe family the advowſon thereof ſtill continues.

The church of Greſmere is ſituate in the midſt of a large plain, encompaſſed almoſt round with high mountains. It is a pretty large building, with a ſtrong ſteeple and three good bells. The owners of Ridall-hall have a peculiar burying-place in the ſaid church.

The *parſonage-houſe* ſtands about 40 yards weſt from the church, on the north ſide of the river Raiſbeck, which runs by the church, near the end of the parſonage houſe. It was rebuilt by Dr. *Henry Fleming*, rector thereof, in the year 1691.

At the north-eaſt corner of the church-yard, there is a *ſchool*, which was built about the year 1685, at the expence of the inhabitants, and endowed by Mr. *Ambroſe* then rector with 50 *l*. Anthony Dawſon of Greſmere gave 7 *l*. The intereſt thereof to go towards the ſupport and maintenance of a ſchoolmaſter.

The MANOR of Greſmere is now eſteemed a diſtinct manor, like as the chapelry hath obtained the name of a pariſh. But heretofore the manor was parcel only of the manor of Windermere.

Thus in the 49 Ed. 3. after the death of Joan de Coupland aforeſaid, the inquiſition finds, that the ſaid Joan died ſeiſed of the manor of Wynandermere, with its members and appurtenances; and, amongſt the reſt, the hamlet of *Griſmer*.

In the 14 Eliz. after the death of William Parr, marquis of Northampton, the inquiſition finds, that he died ſeiſed of and in the manor of Greſmere, and of divers meſſuages, lands, and tenements there.

And in the rental of dower aſſigned to his widow, the particulars as to Greſmere ſtand thus: *Manor of Greſmere*. Total of the yearly rent there 11 *l* 10 *s* 0½ *d*. The inhabitants of Greſmere hold one parcel of paſture ground, as an improvement of the common waſte there called the Foreſt, and pay yearly for the moiety of the ſame (the other moiety to the queen) 3 *l* 6 *s* 8 *d*.

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The ſaid inhabitants pay alſo for the rent of four water-mills now decayed 23*s* 4*d*. And for lands unknown 2*s* 6*d*.

That which belonged to the queen is of the Richmond fee: For Greſmere ſeems to have been near equally divided; as by the inquiſition in the 28 Cha. 2. when queen Catherine was in poſſeſſion of both the Marquis and Richmond fees, it appears, that in Greſmere there were 39 cuſtomary tenements of the Marquis fee, of the yearly rent of 11*l* 6*s* 2*d*; and 35 tenements of the Richmond fee, of the yearly rent of 6*l* 12*s* 4*d*.

In a rental (now at Sizergh-hall) of the crown lands in the barony of Kendal, in the 7 Hen. 7. whereof Sir Thomas Strickland was then ſteward, amongſt the particulars of rents for two parts of the ſaid lands, due to (the king's mother) Margaret counteſs of Richmond and Derby (the third part belonging to the ducheſs of Bedford in right of dower), there was iſſuing out of Greſmere a rent called *foreſt ſilver* 44*s* 5*d ob.* a rent called *brewefarme* 8*d*, and a rent called *goldewether* 7*d ob. q.*—So, out of Langden; *foreſt ſilver* 33*s* 4*d*, *goldewether* 4*d*.—In like manner, Loughrigg paid *foreſt ſilver* 8*d*, *goldewether* 3*d q.* and a rent called *walking ſilver* 4*s* 5*d ob.*——The *foreſt ſilver* was for agiſtment of cattle in the foreſt. *Walking ſilver* ſeems to have been a compoſition for puture of the foreſters or other officers whoſe buſineſs it was to perambulate and ſurvey. *Brewefarm* by ſome is underſtood to be a rent paid for licence to *brew* and ſell ale and beer; for the lord of the manor in moſt places had juriſdiction of the aſſize in that reſpect: But as the word *bruer* ſignifies alſo heath or ling, perhaps this might be a payment for the privilege of getting ling for fuel. As to *goldwether*, we have not found any account of it, except in this and ſome other rentals of the ſame lands about that time: poſſibly, as the *foreſt ſilver* was for the agiſtment of cattle, ſo *goldwether* might be for the agiſtment of ſheep.

Within this manor there are ſeveral *tarns* or *meres*; of which, the moſt conſiderable is *Greſmere-water*, into which the river *Raiſbeck* empties itſelf, after a courſe of about three miles, from Raſegill-head where it ſprings, down by *Dunmal Raiſe*, and thence weſtward down the dale, and ſo by the ſide of the church and parſonage as aforeſaid. Out of which water of Greſmere, runs a river, which taking its courſe through Rydal water, maketh the river *Rowthey*; and ſo paſſing by Ambleſide, it loſeth itſelf, with the river *Brathey*, in Windermere water.

Dunmal Raiſe aforeſaid is a large mountain, a great part whereof is in this pariſh, over which the highway leadeth from Keſwick by Ambleſide unto Kendal. It is ſo called from a great heap or *raiſe* of ſtones, by the highway ſide, which divides Cumberland from this county, thrown together in ancient time, either by *Dunmaile* ſometime king of Cumberland, as a mark of the utmoſt border of his kingdom, or by ſome other in remembrance of his name, for ſome memorable act done by him there, or ſome victory obtained over him.

II.

RYDAL AND LOUGHRIG.

RYDAL, Sir Daniel Fleming ſuppoſes to be a contraction of *Rowthey-dale*, from the river of that name running down there.

This manor was granted to *Roger de Lancaſtre* before mentioned, by Margaret de Brus, widow of Robert de Roſs of Werk, and ſiſter and one of the coheirs of Peter de Brus who married Helwiſe ſiſter and coheir of William de Lancaſtre the third of that name, baron of Kendal. In which grant, the boundaries are deſcribed in this manner: "Incipiendo del Dovecragg per altiora montis inter Rydal et Scandal, ſicut aqua ſe dividit, ſequendo altiora montis illius uſque ad Scandendeſtay in le Swythene; et ſic deſcendendo de Swythene, per quandam ſemitam quæ vocatur le Waytheſti, uſque ad parcum de Amelſate; et ſic ſequendo parcum dexterius uſque in Scandelbec; et ſic ſequendo Scandelbec uſque in Routha; et ſic ſequendo Routha, aſcendendo uſque in Routhemere; et ſic ſequendo Routhemere uſque ex oppoſito del Brokeſtay, et ſic linealiter uſque le Brokeſtay, et de le Brokeſtay uſque ad ſummitatem de la Nab; et ſic aſcendendo per altiora, ſicut aqua ſe dividit, uſque Laverdkrag; et de Laverdkrag per ſuperiora aſcendendo per altiora uſque le Ernekrag; et inde aſcendendo per altiora illius montis uſque ad diviſas Weſtmerlandiæ; et ſic per diviſas Weſtmerlandiæ uſque ad ſummitatem del Dovecrag prædicti."—She granted to him alſo all her part of Amelſate and Louthrigg, with common of paſture in Greſſmere for all kinds of cattle, and that the inhabitants within the bounds aforeſaid ſhall have common with her tenants in Greſmere whereſoever: To enjoy the ſame, with free chaſe in the foreſt of Rydal, as peaceably as Peter de Brus her late brother, or William de Lancaſtre her late uncle, did poſſeſs the ſame. Witneſſes, Thomas de Muſgrave then ſheriff of Weſtmorland, Ranulfe de Dacre, Michael de Harcla, knights; and many others.

The ſaid Roger in the 3 Ed. 1. obtained a confirmation from the king, under the great ſeal, of the ſaid grant of Margaret de Brus, reciting the ſame *verbatim*; ſo as the ſaid Roger and his heirs have and hold the ſaid foreſt, and the aforeſaid part of Amelſate and Lochrigg, and all other things in the ſaid grant contained, with the appurtenances, of the king and his heirs, *in capite*, by doing for the ſame the ſervice of the fourth part of one knight's fee for all ſervices for ever.

The ſaid Roger had likewiſe a deed from William de Lindeſey (there having been ſome contentions between the ſaid Roger de Lancaſtre and William de Lindeſey) concerning what ſhould be taken by the ſaid Roger, for goods found by eſchape in his foreſt of Rydal, belonging to the ſaid William's tenants; and concerning an incloſure to be made by the ſaid William, adjoining upon Rydal park.

This Roger procured a charter for a market weekly on Thurſday at his manor of Ulverſton, and a fair yearly on the eve, day, and morrow after the feaſt of the Nativity of our Lady; the ſaid manor having been granted unto him by

by Walter de Falconbergh, Marmaduke de Thweng, and William de Lindeſey and his wife.

This *Roger* had three ſons, *John*, *William*, and *Chriſtopher*. From *Chriſtopher* the youngeſt came the Lancaſtres of Sockbridge. *John* the eldeſt died in the 8 Ed. 2. without iſſue male; and the inheritance was transferred by intail to *John de Lancaſtre* of Howgill-caſtle the next heir male, being ſon and heir of the ſecond brother *William*. This *John de Lancaſtre* of Howgill and Rydal died in the 25 Ed. 3. leaving iſſue,

Sir *William de Lancaſtre*; who dying in the 22 Ric. 2. was ſucceeded by his ſon,

Sir *William de Lancaſtre*, who died in the 8 Hen. 4, leaving a ſon and heir,

Sir *John de Lancaſtre*; who appears to have been living in the 6 Hen. 6. for in that year, upon an inquiſition of knights fees in Weſtmorland, it was found, that *John de Lancaſter* of Howgill knight held of the king *in capite*, *Ridall* in Kendale, by the ſervice of the fourth part of one knight's fee. How long he lived after this, we have not found. He died without iſſue male; leaving four daughters coheirs, 1. *Chriſtian*, married to Sir *Robert de Harrington* knight. 2. *Iſabel*, married to Sir *Thomas le Fleming* of Coniſton knight, with whom he had *Rydal*. 3. *Margaret*, married to Sir *Matthew de Whitfield* knight. 4. *Elizabeth*, married to *Robert de Crackenthorp* eſquire.

RYDAL being thus brought into the name and family of FLEMING, we proceed to deduce the hiſtory of that ancient family; for which we are furniſhed with ample materials, by the large and valuable collection made by Sir *Daniel Fleming* baronet; whoſe account of his own family is extracted from the family evidences and other authentic documents.

There ſeems to be no doubt, that the firſt of the name who had poſſeſſions in England came in with William the conqueror, out of Flanders.

I. The firſt *Fleming* that hath appeared to us, by any record or other authentic inſtrument, was MICHAEL LE FLEMING knight, in ſome writings called *Flandrenſis*: Unto whom William de Meſchiens, brother to Ranulph de Meſchiens who lived in the time of the conqueror, gave Beckermet, Friſington, Rotington, Weddikar, Arlochden, Kelton, Salter, and Brunrigg, in Cumberland.

This *Michael* and his poſterity had commonly in records and writings *le* prefixed to their ſurname, until the time of king Edward the fourth: which helps to confirm the obſervation of Camden, that *de* and *le* were ſtrictly obſerved in ſome local names, until about that time.

When Stephen earl of Boulogne (who was afterwards king of England) founded the abbey of Furneſs in the year 1126, he granted to the ſaid abbey whatſoever was in Furneſs, except the land of *Michael Flameng*. Which grant was confirmed by pope Eugenius, with the like exception.

This Sir *Michael* reſided commonly at Beckermet, where was a caſtle anciently, called by the common people Caernarvon caſtle. He was alſo lord of the manors of Aldingham and of Gleſton in Furneſs in the county of Lancaſter.

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caſter. And as he ſometimes alſo reſided at Gleſton, he received from thence the name of *Michael de Furneſs:* On the contrary, he gave the name of *Mitchel-land* (or Michael-land) to a great part of Furneſs, which continues to be ſo called to this day.

In the 19th year of king Stephen, he granted Fordebote to the ſaid abbey of Furneſs; and ſoon after died, and was buried in the ſaid abbey, wherein moſt of the nobility and gentry in thoſe parts were interred, as was very uſual alſo in other places, many bequeathing their bodies, together with a legacy, to the religious houſes; and others deſiring not only to be buried near the monks habitations, but alſo in their very habits.

He had iſſue five ſons and one daughter.

1. *William*, to whom he gave the manor of Aldingham and caſtle of Gleſton, with other poſſeſſions in the county of Lancaſter.

2. *Richard*, to whom he gave his caſtle of Caernarvon and manor of Beckermet, with the homage and ſervice, wards and reliefs, of all the freeholders in Friſington, Rotington, Weddikar, Kelton, Salter, Arlochden, and Brunrigg aforeſaid, with other poſſeſſions in that county and in the county of Lancaſter, which are yet enjoyed by his poſterity and iſſue male, lineally for the moſt part, and ſometimes collaterally for want of iſſue male in the elder branch.

3. *Daniel*, a clergyman; who had the church of Urſwic reſerved to him, upon his father's exchange of Ros and Crinelton for Bardſey and Urſwick, with the abbot of Furneſs.

4. *Anſelm*, who aſſumed the ſurname *de Furneſs*. He was living in the 13th year of king John. He married Agnes daughter of Alice wife of Edgar, and had half of Yanewith with her in marriage.

5. *Jordan*, who alſo took the name *de Furneſs*.

6. *Godith*; with whom her father gave in marriage 3 carucates of land in Adgareſslith.

The preſent family at Rydall proceed from *Richard* the ſecond ſon, who (as aforeſaid) was ſettled in Cumberland. And it is this branch that we are chiefly to purſue. The elder branch, who enjoyed the Lancaſhire eſtate, continued owners thereof in a regular hereditary ſucceſſion of males and females, till it arrived as it were at the foot of the throne, in the perſon of Henry Grey marquis of Dorſet and afterwards duke of Suffolk, father of the lady Jane Grey. Which branch we will firſt briefly deduce; and then return to the younger branch, with which we are more particularly concerned.

The eldeſt ſon of Sir *Michael* aforeſaid was (1) *William le Fleming* of Furneſs knight, who after the death of his father enjoyed the manor of Aldingham, the caſtle and manor of Gleſton, with other lands in the county of Lancaſter and elſewhere, which had belonged to the ſaid Michael his father; and he inhabited for the moſt part at Gleſton caſtle. (2) Sir *Michael le Fleming* of Furneſs knight, ſon and heir of William. He had a ſon, (3) *William le Fleming*; who had iſſue, (4) Sir *Michael le Fleming* knight, who in the reign of king Henry the third was drowned in Leven, and died without iſſue, and left his whole eſtate to (5) *Alice*, his only ſiſter and heir. She married *Richard de*

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de Cancefield, and had iſſue a ſon and daughter. (6) *William de Cancefield*, ſon and heir of Richard and Alice, died without iſſue; and was ſucceeded by his ſiſter and heir, (7) *Agnes de Cancefield*, who was married to *Robert de Harrington* of Harrington in Cumberland, in the reign of king Edward the firſt, and carried the eſtate to that family. Though the family of Harrington at firſt aſſumed their ſurname from that place, which they had held of long time, and continued to poſſeſs, till the heir female thereof married to the lord Bonvil; yet after this marriage, their chief ſeat was at Gleſton caſtle and Aldingham. The ſaid Agnes de Cancefield to her huſband Robert de Harrington had iſſue (8) *John de Harrington*, who in the 34 Ed. 1. was knighted; and having been ſummoned to parliament as a baron from the 18 Ed. 2. to the 21 Ed. 3. he died in that year. This John had a ſon (9) *Robert de Harrington*, who died before his father, having married Elizabeth one of the ſiſters and coheirs of John de Multon of Egremont, and by her had a ſon and heir (10) *John de Harrington*, who ſucceeded his grandfather, and died in the 37 Ed. 3. leaving iſſue (11) *Robert de Harrington*, his ſon and heir, who reſiding at Aldingham in the firſt year of king Richard the ſecond, was knighted at his coronation. He married Iſabel daughter and coheir of Sir Nigel Loring knight of the garter, and left iſſue by her (12) Sir *John Harrington* knight, his eldeſt ſon and heir; who died in the 5 Hen. 4. without iſſue, and was ſucceeded by his brother and heir (13) Sir *William Harrington* knight; who married Margaret daughter of Sir Robert Nevil of Hornby. He was ſummoned to parliament from the 8 Hen. 5. to the 15 Hen. 6. He had an only child (14) *Elizabeth Harrington*, who was married to *William lord Bonvile*, who died in his father's lifetime, leaving a ſon (15) *William Bonvile* junior, commonly called *William* lord *Harrington*; who married Catherine one of the daughters of Richard Nevil earl of Saliſbury, and was ſlain in the battle of Wakefield on the part of the houſe of York in the 39 Hen. 6. leaving only a daughter, *viz.* (16) *Cecilie*, married to Thomas Grey marquis of Dorſet, and afterwards to Henry Stafford earl of Wiltſhire. She had to the ſaid marquis of Dorſet a ſon (17) *Thomas Grey*, marquis of Dorſet; who married Margaret daughter of Sir Robert Wotton knight (widow of William Medley), and died in the 22 Hen. 8. leaving iſſue (18) *Henry Grey*, marquis of Dorſet; who married Katherine, daughter of William Fitz-Alan earl of Arundel, but had no iſſue by her. Afterwards he married the lady Frances, eldeſt daughter of *Charles Brandon* duke of Suffolk by his wife Mary the French queen. And foraſmuch as the lady Frances's two brothers died without iſſue, this Henry her huſband was created duke of Suffolk. By her he had three daughters, Jane, Katherine, and Mary. The lady *Jane*, the eldeſt, was proclaimed queen, after the death of king Edward the ſixth, and ſoon after beheaded. Her father, for countenancing the ſaid proclamation, was beheaded on Tower-hill in the ſecond year of queen Mary; and the whole eſtate, in Cumberland, Lancaſhire, and elſewhere, became forfeited to the crown, and was granted out to divers perſons, whoſe poſterity or aſſignees enjoy the ſame to this day.

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Having thus given an account of the ſaid Sir *William le Fleming* and his heirs, and of the ſeveral owners of Gleſton caſtle, Aldingham, and the reſt of his eſtate, we proceed to his next brother, *viz.*

II. Sir RICHARD LE FLEMING of Beckermet in Cumberland knight, ſecond ſon of Sir Michael. This Sir Richard had alſo ſome lands in Lancaſhire given to him by his father; for Sir Michael had other eſtates there, beſides thoſe of Michel-land, Aldingham, and Gleſton, which he gave as aforeſaid to his eldeſt ſon.

To this Sir Richard, William de Skelſmereſergh by ſeveral deeds without date granted divers lands in Lancaſhire, with the fiſhery of Thurſtan-water: to which deeds his elder brother William de Furneſs is a witneſs.

He died in the reign of king John, and was buried with his father and brother in the abbey of Furneſs; and was ſucceeded by his only ſon and heir,

III. Sir JOHN LE FLEMING of Beckermet knight. By a deed without date, this John conveyed to his ſon Richard, all the land of the ſaid John which his father had given him in Coupland, with the homage and ſervice of certain freeholders which then held of the ſaid John, *viz.* the homage and ſervice of Sir Alan de Peninton and his heirs for Rotingen, of Sir Robert de Lamplogh for half of Harlofden and for Brunrigg, of William de Wedacre for two parts of Wedacre, of Sir Adam de Haverington for the third part of Wedacre, and of Ralph de Friſington for Friſington, with wards and reliefs, and all other liberties thereunto belonging. And by ſeveral other deeds, he conveyed to him other lands in Cumberland. Witneſſes to which deeds (amongſt others) were, Robert prior of St. Bees, Sir Patrick de Wirkington, Sir Adam de Millum, Sir Richard de Coupland, and Sir Hugh de Morriceby.

He gave alſo the patronage of the rectory of Arloghden, and land in Great Beckermet, to the abbey of Caldre, in the 26 Hen. 3.

And the rectory and advowſon of the church of St. John Baptiſt of Beckermet was granted to the ſaid abbey either by him or his father; which was confirmed by the archbiſhop of York, about the year 1262. And the archbiſhop at the ſame time annexed the church of St. Michael of Arlokedene to the archdeaconry of Richmond.

He alſo conveyed other lands in Lancaſhire to divers perſons: Witneſſes whereof were, the prior of Kertmel, John prior of Cuningſheved, Sir William de Furnas, William ſon of Orme, Matthew de Redeman, Thomas de Bethun, Richard de Preſton, Adam ſon of Gamel, John de Cancefield, Michael de Hurſwic, and others.

He died in the reign of king Henry the third, and was buried in the abbey of Calder, to which he had been a benefactor. Sir Daniel Fleming ſays, there was to be ſeen in his days at the ſaid abbey a very ancient ſtatue in free ſtone of a man in armour, with a frett (of ſix pieces) upon his ſhield, lying upon his back, with his ſword by his ſide, his hands elevated in a poſture of prayer, and his legs acroſs; being ſo placed probably from his taking upon him the croſs,

croſs, and being engaged in the holy war. Which ſtatue was placed there moſt probably in memory of this Sir John le Fleming.

He left a ſon and heir,

IV. Sir RICHARD LE FLEMING of Beckermet, knight. He married *Elizabeth* ſiſter and heir of *Adam de Urſwick* and *John de Urſwick* her two brothers; whoſe father was Adam de Urſwick, ſon of Gilbert, ſon of Adam, ſon of Bernulf. By which marriage, the ſaid Richard got the manor of *Coningſton* [King's-town]; and other poſſeſſions in the county of Lancaſter; which have continued in his heirs male to this day.

By a deed without date, John brother of the ſaid Elizabeth granted to the ſaid Sir Richard le Fleming and the ſaid Elizabeth all the lands which had been Adam de Urſwick's his brother, in Urſwick, Coningſton, Claughton, and Kerneford, in exchange for other lands. Witneſſes; Roger de Lancaſtre, John de Cancefield, John de Kirkby, Richard de Kirkby, and others.

In the 52 Hen. 3. a writ of treſpaſs was brought by Iſabel de Fortibus counteſs of Albermarle, againſt Roger de Lancaſtre, *Richard le Fleming*, Gilbert de Culwen, Ranulph de Dacre, and others.

After this marriage, the caſtle of Caernarvon was ſuffered to go to decay, and at laſt demoliſhed, and the demeſne lands let to cuſtomary tenants: And the family removed to *Coningſton* hall, where they reſided for ſeveral generations.

He died, leaving a ſon and heir,

V. JOHN LE FLEMING of Coningſton; who in the 28 Ed. 1. was in the expedition then made into Scotland, being with the king when he was in perſon at Carlaveroke, ſituate upon the very mouth of Solway, accounted an impregnable fortreſs; which king Edward, accompanied with the flower of the Engliſh nobility and gentry, beſieged, and with difficulty took. During his abſence out of the kingdom, John had a protection from the king, dated at Carlaveroke 10 July, 28 Ed. 1. of his people, lands, goods, rents, and other poſſeſſions, and freedom from all ſuits and plaints, until Eaſter following.

He had iſſue two ſons, Raynerus and Hugh: Which Hugh had a daughter Mary, married to Ralph de Friſington.

VI. RAINERUS LE FLEMING of Coningſton. He gave to the abbot of St. Mary's York, two oxgangs of land in Rotington, and alſo one villein in the ſame town: Which was confirmed by king Edward the ſecond, in the firſt year of his reign.

Raynerus had the appellation of *dapifer* added to his name; perhaps as being purveyor of the king in theſe northern parts.

He left iſſue,

VII. Sir JOHN LE FLEMING of Coningſton, knight. By an inquiſition *poſt mortem* of Thomas de Multon of Egremont, in the 15 Ed. 2. it appears, that Richard de Hodleſton and Gilbert de Culwen did then hold Milluin and Work-

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ington of the ſaid Thomas; and that John ſon of Rayner le Fleming held of the ſaid Thomas the hamlets of Beckermet, Friſington, Rotington, Wedacre, and Arlocden, by homage and fealty and ſuit of the court of Egremont, and by the ſervice of the ninth part of one knight's fee, and 5*s* 6*d* a year for cornage, and 2*s* 5*d* for watch of the ſea, and by the puture of two ſerjeants of the ſaid Thomas every ninth day at his manor of Egremont.

The lords of the manor of Beckermet do yet pay yearly 3*s* 4*d* of the free rents above mentioned, to the owner of Egremont caſtle: And all the reſidue of the aforeſaid rents are yearly paid by the freeholders of Friſington, Rotington, Wedacre, and Arlocden.

That this John le Fleming was lord of Beckermet in the 19 Ed. 2. and was related to Hugh le Fleming above mentioned, and to the Friſingtons, appears by an intail of the manor of Friſington made by Hugh le Fleming unto Ralph de Friſington and Mary his wife for their lives, and then to Thomas their ſon and the heirs of his body, and then to Alice and Agnes their daughters and the heirs male of their bodies; and for want of ſuch, then to John le Fleming lord of Beckermet and his heirs.

He had iſſue two ſons; and one daughter Joan, who was married to John le Towers of Lowick, whoſe arms were, Argent, on a bend Gules, three towers Or.

VIII. The elder ſon of the ſaid Sir John was WILLIAM LE FLEMING of Coningſton. He died without iſſue, either before his father, or ſoon after. For,

Sir JOHN LE FLEMING of Coningſton knight, ſecond ſon of the laſt Sir John, appears to have been heir to his father in the 7th year of king Edward the third.

By an inquiſition taken at Ulverſton, after the death of this Sir John, it appears, that he died in the 27 Ed. 3. and that on the day on which he died he held of the king *in capite* (which had been of the fee of William de Coucy) the manor of Coningſton with the appurtenances, and a certain fiſhing there in Thurſtan water; that he had two marks rent iſſuing out of Claughton, holden of John de Croft; forty acres of land at the Water-end, holden of John de Haverington by a pair of white gloves for all ſervices; and that Richard le Fleming was his ſon and heir, then of the age of 30 years.

Beſides this ſon Richard, he had alſo Robert le Fleming a ſecond ſon.

IX. Sir RICHARD LE FLEMING of Coningſton knight, ſon and heir of the laſt Sir John, married Catherine daughter (or ſiſter) of Sir John de Kirkby in the county of Lancaſter knight; whoſe arms were, Argent, two bars Gules, on a canton of the ſecond a croſs moline Or.

By his ſaid wife he had iſſue, *Thomas*, *John*, *James*, and a daughter *Joan*. Which Joan in the 44 Ed. 3. releaſed unto her father all her lands in Cumberland and Lancaſhire, which had been her grandfather's; which deed ſhe concludes thus, "And becauſe my ſeal is not known to many, I have procured "to be ſet to theſe preſents the ſeal of the official of the deanry of Coupland, "together with the ſeals of William de Cleter and Thomas de Lamplowe."

In

In the 6 Ric. 2. Nicholas de Boweneſs, parſon of the moiety of the church of Ayketon, granted to William del Dykes all his lands in Diſtington in Coupland which he had of the feoffment of John ſon of Hugh de Dyſtyngton. One of the witneſſes to which grant was Richard le Fleming knight.

He appears to have been witneſs afterwards to ſeveral deeds; the lateſt of which was in the 16 Ric. 2. at which time, by the above accounts, he was of the age of 69 years. He died at Coningſton-hall not long after, and was ſucceeded by

X. Sir THOMAS LE FLEMING of Coningſton knight, his eldeſt ſon and heir. This Sir Thomas married firſt Margaret daughter of William de Berdeſey, as appears by a deed in the 47 Ed. 3. whereby Sir Richard, father of the ſaid Thomas, grants to him and to Margaret his wife daughter of William de Berdeſey and to the heirs of their bodies the manor of Beckermet, remainder to his own right heirs. The Berdeſey's arms are, Argent, two bars Gules: On a canton of the ſecond, a march of the firſt. By her he had no iſſue.

He afterwards married Iſabel daughter of Sir Thomas Layburne knight; and had iſſue by her, *Thomas le Fleming* his ſon and heir, and *John le Fleming* his ſecond ſon.

Sir Thomas Layburne in the marriage articles did covenant to give with his ſaid daughter for her portion 80 marks in ſilver and ſufficient rayment; whereupon the manor of Beckermet and lands in Urſwick were intailed upon the ſaid Sir Thomas le Fleming and Iſabel his wife and their heirs male; and for want of ſuch, then upon John le Fleming his brother.

There appears a releaſe to have been executed by him in the 12 Hen. 4. How ſoon after he died, is not known. But it appears he was dead in the 6 Hen. 5. his wife Iſabel being then a widow.

XI. Sir THOMAS LE FLEMING of Coningſton knight, ſon of Sir Thomas by his wife Iſabel Layburne. He married, in his father's life-time, *Iſabel* daughter and coheir of Sir *John de Lancaſter* of *Rydal* and *Howgill* caſtle; and this was the firſt introduction of the *Flemings* into Weſtmorland. In the marriage articles it was covenanted, that Sir John her father ſhould pay 80 marks for his daughter's portion, and that Sir Thomas father of the ſaid Thomas ſhould ſettle the manor of Coningſton and all other his lands on his ſaid ſon and his heirs male; and for defect of ſuch, then upon John le Fleming younger brother of the ſaid Thomas and his heirs male; and for want of ſuch, then upon the right heirs of the ſaid Sir Thomas: And that if the ſaid Thomas the ſon ſhould die without heirs of the body of the ſaid Iſabel, then that John his younger brother aforeſaid ſhould marry another daughter of the ſaid Sir John de Lancaſter, without any other portion or ſettlement.

But the ſaid Thomas and Iſabel had children; and the other three daughters of Sir John de Lancaſter married other perſons (as is above mentioned), and after his deceaſe his eſtate was divided amongſt them; in which diviſion, the manor of Rydal and all the ſaid Sir John's lands and tenements in Rydal and Loughrigg acceded to the two daughters, Margaret wife of Sir Matthew Whitfield,

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field, and Iſabel wife of the ſaid Sir Thomas le Fleming. They afterwards purchaſed the Whitfield moiety; and Rydal from henceforth became the chief ſeat of the Fleming family, and their poſterity have ever ſince enjoyed it.

The ſaid Sir Thomas, by his wife Iſabel de Lancaſter, had iſſue *John*, and a younger ſon *William*.

XII. JOHN FLEMING of Rydal, eſquire. After the death of the ſaid Sir Thomas le Fleming and dame Iſabel de Lancaſter his wife, the aforeſaid demeſnes and manors of Beckermet, Coningſton, and Rydal, and all their other eſtate in Cumberland, Lancaſhire, and Weſtmorland aforeſaid, came unto this John their ſon and heir.

This John, in the 7 Ed. 4. was retained by indenture, according to the cuſtom of thoſe times, to ſerve the lord of Grayſtock, who was often employed in the king's ſervice againſt Scotland: The form of which retainer was as follows: "This indenture made the 9th day of December in the 7th year "of the reign of king Edward the 4th, betwixt Rauff lord Grayſtock and "Wemm on the ton party, and John Fleming eſquire on the todir party, "Witneſs, that the ſaid John is reteined and beheſt* with the ſaid lord for "terme of his life, as well in were as in peace, againſt all manner of men, "except his legeance: The ſaid John taking yearly of the ſaid lord 4*l* of "lawful money of England. And in the time of were, ſuch wages as the "king gyffs to ſuch men of ſuch degree, and [*i. e.* if] he go with the ſaid "lord. And the ſaid John to take his ſaid fee be the hands of the receiver of "Grayſtok that is or ſhall be, that is to ſay, at Whitſunday and Martynmes. "And if the ſaid John go with the ſaid lord over the ſea, or into Scotland, "and then it happen the ſaid John Fleming or any of his ſervants to take any "priſoners, that then the ſaid lord to have the third, and the third of thirds. "And if it happen that the ſaid lord ſend for the ſaid John to come to him, "and to ryde with him to London or for any other matter, that then the ſaid "lord to pay for his coſts, and to give him bouche-court† for him and his "feliſhip. In witnes hereof ayther party to the partyes of theſe indentures en-"terchangably hath ſet to their ſeales. Wretyn the day and yere aforeſaid."

This John married Joan daughter of Broughton of Broughton Tower; by whom he had iſſue *John Fleming* his ſon and heir. The paternal coat of the Broughtons is, Argent, two bars Gules, on a canton of the ſecond a croſs Or.

He had a ſecond wife Anne, by whom he had no iſſue.

He appears to have been dead in the 2 Ric. 3. for in that year there was an award, whereby it was ordered, that Anne late wife of John Fleming ſhould enjoy for her dower lands in Claughton in Lonſdale, and one tenement in Co-

* It is an Anglo-Saxon word, from *heſt*, a command; as much as to ſay, he had put himſelf under his command. So *behight* ſignifies promiſed or engaged.

† Meat and drink (from *bouche*, a mouth) ſcot free. For ſo is the French *avoir bouche a court*, to be in ordinary at court. And this extended as well to the court of noblemen who were ſubjects, as to the king's court.

ningſton,

ningſton, and yearly during her life, one buck or doe out of Coningſton-park; and that John Fleming ſon and heir of the ſaid John deceaſed enjoy all the reſt of his father's lands.

XIII. JOHN FLEMING of Rydal eſquire, ſon and heir of John. He married a daughter of Sir Hugh Lowther of Lowther knight, whoſe name was *Joan*; yet after his death we find his widow called *Janet*. For the reconciling of which, it is to be obſerved, that according to Camden, in late years ſome of the better and nicer ſort, miſliking *Joane*, have mollified the name into *Jane*; for *Jane* is never found in old records, and (as ſome will have it) not before the time of king Henry the eighth. In the 32 Eliz. it was agreed by the court of king's bench, that *Jane* and *Joan* are all one. *Janet* is a diminutive of *Joan*, as little or pretty *Joan*.

This John had iſſue *Hugh Fleming* eſquire, his ſon and heir. And five daughters, (1) *Agnes*, married to Richard Ducket of Grayrigg eſquire. (2) A daughter married to Richard Kirkby of Kirkby eſquire. (3) *Margaret*, married to Thomas Stanley of Dalegarth in Cumberland eſquire; whoſe arms are, Argent, on a bend Sable three ſtags heads caboſhed Or, with two cotices Vert. (4) A daughter married to William Bardſey of Bardſey in Lancaſhire eſquire. (5) A daughter married to ——— Thwaites of Thwaites in Cumberland eſquire; whoſe arms are, Argent, a croſs Sable, fretty Or.

In the 4 Hen. 8. there was an award between Alexander abbot of Furneſs of the one part, and this John Fleming of the other part, made by Brian Tunſtal, John Lowther of Lowther, John Lamplogh of Lamplogh, and William Redmayne of Thwyſil-towne, eſquires; which was, that they ſhould each ſhew their writings to the next judge of aſſize at Lancaſter, who ſhould determine, whether the ſaid John Fleming held the manor of Coningſton by knights ſervice and a certain rent of the ſaid monaſtery; and alſo that the ſaid abbot ſhould pay to the ſaid John Fleming, for all ſuch titles and tenant-rights as the ſaid abbot claims in Furneſs-fells, except Crag-houſe, the ſum of 40 *l.*

In the 6 Hen. 8. this John was eſcheator for the counties of Cumberland and Weſtmorland.

Before the 24 Hen. 8. this John Fleming died; and was buried at Greſmere church, in the burying-place belonging to the lords of Rydal.

XIV. HUGH FLEMING of Rydal eſquire, ſon and heir of John. He married *Joan* (or *Jane*) one of the two ſiſters and coheirs of *Richard Hodleſton* eſquire, being alſo one of the daughters and coheirs of Sir *Richard Hodleſton* of Millum-caſtle in Cumberland knight. Margaret Hodleſton the other daughter was married to Lancelot Salkeld of Whitehall in the ſaid county, eſquire.

The paternal arms of the *Hodleſtons* of Millum-caſtle are, Gules, a frette Argent. And the ſaid Sir *Richard Hodleſton* and *Richard Hodleſton* his ſon quartered the arms of *Millum*, *Boyvell*, *Fenwick*, *Stapleton*, *Faulconbridge*, *Fitz-Alan*, *Maultravers*, *Ingham*, *De la Pool*, and *Chaucer*. All which arms, together with their eſtates which were not intailed upon the males of that family,

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came to the ſaid *Hugh Fleming* and *Lancelot Salkeld* in the right of their wives, and deſcended upon their heirs; and the ſaid arms have been ever ſince quartered by the two families of *Fleming* and *Salkeld* aforeſaid until this day.

The ſaid Hugh outlived his wife; for in the 30 Hen. 8. there is an award between the ſaid Hugh Fleming and Lancelot Salkeld, made by Richard Redman, William Pickering, Gilbert Wharton, and Ambroſe Machel, that the ſaid Hugh ſhould have during his life (which he held by the curteſy after the deceaſe of his wife) half the rents and profits of Bowes, alſo 4 nobles and 40 pence out of the lands of Perote, alſo half the rents and profits of Blenerhaſſet, half of Hakemanby, and that the ſaid Lancelot ſhould have other lands in the ſaid award mentioned.

In the 33 Hen. 8. he was made eſcheator for the counties of Cumberland and Weſtmorland.

He died in the 4 Phil. and Mar. being then an old man, and having ſurvived moſt of his children: Which were as follows,

1. *Anthony*, his eldeſt ſon.

2. *Thomas*, who had iſſue, (1) *Richard*, who married the heireſs of Troughton-hall, and by her had ſeveral children, who ſpread out into many branches. (2) *John*, who had iſſue *Thomas*, *John*, *Richard*, *Roger*, *Jane*, *Margaret*, *Agnes*, *Bridget*; moſt of whom married and had children.

3. *David*, who was ſteward to the lord William Parr, marquis of Northampton; and married a daughter of Sir John Lamplugh, by whom he had iſſue (1) *John*, who had a ſon Richard. (2) *Thomas*. (3) *Henry*, who had iſſue John. (4) *Elinour*. (5) *Nicholas*, who had iſſue Roger, Thomas, and Ralph. (6) *Robert*, who had a ſon John. (7) *David*, who was one of queen Elizabeth's falconers. (8) *Adam*.

4. *Daniel*, who died without iſſue.

The ſaid Hugh had alſo a daughter *Joan*, who was married to Lancelot Lowther of Sewborwens in Newton Regney in the county of Cumberland gentleman; and by their marriage articles, May 30, in the 29 Hen. 8. it was ſtipulated, that each of the parties ſhould pay for their own marriage apparel, that the meat and drink ſhould be at the charge of the ſaid Hugh, and alſo the licence; that the ſaid Hugh ſhould give to the ſaid Lancelot and Joan bedding and inſeyghe, as ſhall ſtand with his worſhip to give; and that the portion ſhould be 66*l* 13*s* 4*d*, to be paid at the pariſh church of Lowther.

XV. ANTHONY FLEMING of Rydal eſquire, ſon and heir of Hugh. He married firſt a daughter of Sir Geffrey Middleton of Middleton-hall knight, by whom he had no iſſue. Secondly, he married Elizabeth daughter of William Hoton of Hoton in the foreſt eſquire; and by the marriage articles, 28 May, 24 Hen. 8. it was covenanted, that each party ſhould buy their own wedding cloaths; that the marriage ſhould be in Hoton church; and that the ſaid William ſhould find meat, drink, and other things neceſſary for the marriage feaſt; that whereas the ſaid Anthony and Elizabeth were of couſinage in the fourth degree, a diſpenſation ſhould be purſued and obtained for the ſame at the equal charge of the ſaid Hugh and William; that the whole eſtate

ſhould be intailed upon the iſſue of the ſaid marriage; and that in conſideration thereof, the ſaid William ſhould pay 120*l.* at ſeveral days; and if the ſaid Elizabeth ſhould die without iſſue before any of the ſaid days reſpectively, ſo much was agreed not to be paid. There was iſſue born of this marriage, an only ſon *William*, heir both to his father and grandfather; for his father died in the lifetime of the aforeſaid Hugh the grandfather. This Anthony Fleming had alſo a third wife, Jane daughter of John Rigmaden of Weddicre in the county of Lancaſter eſquire; by whom he had iſſue, *Thomas* and *Charles*.

XVI. WILLIAM FLEMING of Rydal eſquire, after the deceaſe of the ſaid Anthony his father, and of Hugh Fleming his grandfather, became heir to the whole eſtate.

In the 3 Ed. 6. Gabriel Croft, parſon of Greſmere, in conſideration of the ſum of 58*l* 11*s* 5½*d*, granted a leaſe of the rectory and tithes of Greſmere to Marian Bellingham of Helſington widow, for the term of 97 years, paying yearly to the parſon there 18*l* 11*s* 7*d*. Which leaſe was confirmed by John biſhop of Cheſter as ordinary, and by Alan Bellingham of Helſington eſquire ſon of the ſaid Marian as patron.—For until the diſabling ſtatute of the 13 Eliz. the incumbents of livings, with the conſent of patron and ordinary, might grant ſuch leaſes, and they were valid in law: but by the ſaid ſtatute they are reſtrained (although with ſuch conſent) from granting ſuch leaſes for a longer term than 21 years or three lives.

In the 16 Eliz. the ſaid Alan ſold to this William Fleming, for the ſum of 500*l*, his intereſt in the ſaid leaſe, which had come to him as executor to his ſaid mother deceaſed.

There had ſome little time before been a ſuit between the ſaid Alan and William concerning the tithes of the demeſne of Rydal, wherein the ſaid William obtained a verdict for a preſcription of 20*s* a year to be paid at Eaſter or upon demand, for all manner of tithes for the ſaid demeſne; which verdict was exemplified under the great ſeal, 8 Feb. 18 Eliz.

In the ſame year, the ſaid William ſold ſome tenements at Loghrigg into freehold.

He married, to his firſt wife, Margaret daughter of Sir John Lamplugh of Lamplugh knight; and to his ſecond wife he married Agnes daughter of Robert Bindloſs of Borwick in the county of Lancaſter eſquire.

He had iſſue by his former wife, 1. *Jane*, married to Richard Harriſon of Martindale gentleman. 2. *Margery*, married to Nicholas Curwen of Clifton in Cumberland gentleman. 3. *Elizabeth*, married to William Carter of Broghton in Lancaſhire gentleman.

By his ſecond wife, he had, 1. *John*, his eldeſt ſon and heir. 2. *Thomas*, who died without iſſue. 3. *William*, who died alſo without iſſue: he was a ſtout man, being above ſix feet high; and was in the ſhip which firſt deſcryed the Spaniſh armada in the year 1588, and therein behaved gallantly. 4. *Daniel*, whoſe ſon ſucceeded as heir in tail, after failure of heirs male from his eldeſt brother John. 5. *Joſeph*, who died without iſſue. 6. *Dorothy*, married

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ried to John Ambroſe of Lowick in Lancaſhire eſquire. 7. *Mary*, married to John Senhouſe of Seaſcales-hall in Cumberland eſquire. 8. *Grace*, married to Anthony Barwiſe of Hyldekirk in Cumberland eſquire. 9. *Eleanor*, married to Sir John Lowther of Lowther knight, one of his majeſty's counſel at York for the northern parts; with whom her mother, being then a widow, gave 1000*l* for her portion.

XVII. JOHN FLEMING of Rydal eſquire, ſon and heir of William. He had three wives, 1. Alice, eldeſt daughter of Sir Francis Ducket of Gravrigg knight; whoſe portion was 666*l* 13*s* 4*d*. By her he had no iſſue. 2. Bridget, daughter of Sir William Norris of Speke in Lancaſhire knight; who died alſo without iſſue. 3. Dorothy, daughter of Sir Thomas Strickland of Sizergh knight of the Bath; by whom he had iſſue, (1) *William*, his ſon and heir. (2) *Bridget*, married to Sir Jordan Croſland of Haram-how in the county of York knight. (3) *Agnes*, married to George Collingwood of Elſington in the county of Northumberland eſquire.

In the 4th year of king James, his mother Agnes purchaſed the manor of Skirwith, and one third of the manor of Brougham; with divers lands in Skirwith, Owſeby, Croſfell, Langwathby, and Culgaith. And in the 8th year of the ſame king, ſhe entailed the ſame upon her ſon Daniel and his iſſue male.

She alſo purchaſed Monk-hall, and divers other meſſuages and tenements in the county of Cumberland; all of which, after her deceaſe (or before) came into the family eſtate.

This John was a juſtice of the peace for Weſtmorland from the 7 Jac. (which is the firſt time that the rolls of ſeſſion make mention of him) until the 22 Jac. about which time he turned Roman catholic.

In the 5th year of Charles the firſt, he procured a ſuperſedeas for his recuſancy; and an acquittance for his knighthood money.

In the 7th year of the ſame king, he obtained a licence (being a popiſh recuſant convict) to travel above five miles from Rydal.

In the ſame year he paid to the king for his recuſancy, after the rate of 30*l* a year; and two years after, according to the proportion of 50*l* a year.

He died in the 18 Car. aged about 68; and was buried in Greſmere church, in the burying-place belonging to the lords of Rydal.

He gave by his will 2000*l* each to his two daughters for their portions.

WILLIAM his ſon and heir was only 14 years of age at the time of his father's death, and died of the ſmall-pox before he was 21, and unmarried, in the year 1649. By whoſe death without iſſue, his two ſiſters portions became augmented to 10000*l* each; but the family eſtate went over to his uncle *Daniel* the next heir male.

Young as this William was, he appeared in arms on the king's party. And after his death, the ſequeſtrators put both his and his father's name into their bill of ſale, in the year 1652. Which put his heirs male to great charge and trouble afterwards, to get the eſtate cleared from the then commonwealth's title.

title. Sir Wilfred Lawſon of Iſel, one of Cromwell's party, plundered and ſtripped Rydal-hall of all that was valuable, and tore up the floors to ſearch for hidden treaſure.

THE direct male line failing on the death of this William, we go back to his father's eldeſt ſurviving brother, DANIEL FLEMING of Skirwith eſquire; who married Iſabel daughter of James Brathwaite of Ambleſide eſquire; by whom he had iſſue, 1. *William*, who ſucceeded to the whole inheritance as heir in tail. 2. *John*, who died without iſſue, and was buried in the chancel of Kirkland church, May 30, 1662, as appears by the inſcription on his tombſtone there. 3 *Thomas*. 4. *Joſeph*. 5. *Daniel*, who was lieutenant of a troop of horſe in the ſervice of king Charles the firſt, under the command of the earl of Newcaſtle: he died without iſſue. 6. *Agnes*, married to Chriſtopher Dudley of Yanewith eſquire. 7. *Dorothy*, married to Andrew Huddleſton of Hutton John eſquire. 8. *Mary*, married to Thomas Brougham of Scales-hall in Cumberland eſquire.

In the 9 Jac. he purchaſed one third of the manor of Kirkland, and in the next year another third of it.

He died Aug. 2, 1621, and was buried in the quire of Kirkland church, as appears by an inſcription ingraved in braſs on his tombſtone there.

XVIII. WILLIAM FLEMING of Skirwith and Rydal eſquire, ſon and heir of *Daniel*. On the death of the laſt William without iſſue as aforeſaid, this William ſon of Daniel ſucceeded as next heir male to the whole family eſtate.

He married Alice daughter of Roger Kirkby of Kirkby in Lancaſhire eſquire; by whom he had iſſue, 1. *Daniel*. 2. *Roger*. 3. *William*, major of a regiment of militia in the county of Lancaſter. 4. *John*, who died young. 5. *John*, who was loſt at ſea on the coaſt of Africa, on a trading voyage. 6. *Alexander*, a merchant at Newcaſtle, who died without iſſue. 7. *Iſabel*, who died unmarried.

In 1642, he had a commiſſion from the earl of Newcaſtle to be major of a regiment of foot whereof Sir Henry Fletcher of Hutton baronet was colonel, and William Carleton of Carleton-hall eſquire was lieutenant colonel. And this William Fleming raiſed in the neighbouring parts a very good company, *viz.* at Ainſtable 12, Croglin and Newby 6, Kirk Oſwald 18, Renwick 6, Melmerby 12, Ouſeby 12, Glaſſonby 6, Gamelſby 6, Little Salkeld 6, Hunſonby and Winſkell 6, Skirwith 6; in all 98: Which he commanded as captain until the latter end of the year 1644, when the counties of Weſtmorland and Cumberland were totally ſubdued, except the city of Carliſle, which ſurrendered to David Leſley in about 9 months after, having firſt endured all the extremities of famine.

Upon the coming in of duke Hamilton, he again accepted a commiſſion of lieutenant colonel of a regiment of horſe, whereof John Lamplugh of Lamplugh eſquire was to be colonel. But before they could get their troops raiſed, the king's party were routed by Cromwell near Preſton in Lancaſhire.

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He died at Coningſton-hall in the year 1653, in the 44th year of his age; and was buried in the chancel of the church of Greſmere, in the ſame place where his grandmother Agnes had been buried about 20 years before. His epitaph is on a ſquare piece of braſs fixed in the wall near his grave in the eaſt end of the church. And on an oblong piece of glaſs in the eaſt window was put up this inſcription:

Deo trino et uni
Sacrum.
Secundum Chriſti Redemptoris
Adventum hoc templo expectat
Gulielmus Fleming
Armiger.
Qui pie in Chriſto expiravit
Coniſtoniæ, et quicquid mortale
habuit hic depoſuit,
25° Maii,
Anno Epochæ Chriſtianæ
MDCLIII.

And underneath, the paternal arms of Fleming and Kirkby impaled. And above, in the ſame window, the ſeveral coats in colours quartered by the family of Fleming.

XIX. DANIEL FLEMING of Rydal eſquire, afterwards knight and baronet, ſon and heir of William; author of the aforeſaid memoirs, from which this account is chiefly taken.

He entered commoner in Queen's college in Oxford in 1650, under the reverend Thomas Smith afterwards biſhop of Carliſle. Chriſtopher Muſgrave eſquire, ſecond ſon of Sir Philip Muſgrave baronet, was then of the ſame college. And Dr. Gerard Langbaine was provoſt. Daniel had for his ſervitor Joſeph Williamſon ſecond ſon of the reverend Joſeph Williamſon vicar of Bridekirk in Cumberland, who afterwards became fellow of the ſaid college, was recommended by the ſaid Mr. Smith to Sir Edward Nicholas, and afterwards was knighted, and promoted to the office of ſecretary of ſtate; he was one of the king's plenipotentiaries at Colen; and married one of the blood royal, namely, Catherine only ſiſter to Charles Stuart duke of Richmond, widow of Henry lord Obrian, ſon and heir of Henry earl of Thomond in the kingdom of Ireland. At the ſame time Sir George Fletcher of Hutton baronet was a ſtudent and fellow commoner in that college.

In the year 1653, this Daniel got poſſeſſion of the manors of Rydal, Coningſton, and Beckermet, which had hitherto been under ſequeſtration; Rydal having been leaſed out by Mr. John Archer and other committee-men at Kendal to Walter Strickland eſquire, uncle to the two daughters of John Fleming eſquire ſiſters of William aforeſaid, who died without iſſue; thoſe two daughters claiming as heirs to their father and brother, againſt this collateral branch who claimed by virtue of the intail. But he did not get the whole compleated till the latter end of the year 1654.

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In 1655, he married Barbara ſiſter of Sir George Fletcher aforeſaid, eldeſt daughter of Sir Henry Fletcher of Hutton baronet (who was killed on the king's party at Routon-heath battle near Cheſter in 1645) and of the lady Catherine Fletcher his wife, eldeſt daughter of Sir George Dalſton of Dalſton in Cumberland knight.

In the ſame year he purchaſed the remaining part of the manor of Kirkland, which had not been compleated by his father.

He was the firſt ſheriff of Cumberland after the reſtoration of king Charles the ſecond; and was knighted by that king in the year 1681, for which he paid as the uſual fees to the officers 78*l* 13*s* 4*d*.

He continued in the intereſt of that family till the reign of king James the ſecond; when finding the eſtabliſhed religion to be in danger, he joined with the party that oppoſed that king's meaſures; and being one of the two burgeſſes in parliament for Cockermouth in the firſt year of the ſaid king, he voted againſt the court. His election to that borough was conteſted, yet ſuch was the moderation of thoſe times, that his whole expences in that conteſt did not amount to 20*l*.

Towards the latter end of that king's reign, Sir Daniel in the aforeſaid memoirs gives a very curious account of the attempt made by the court for taking away the penal laws and teſt. He begins with a letter to himſelf from Sir John Lowther of Lowther (who, as repreſentative for Weſtmorland, had voted in parliament for the bill of excluſion, and was ſtrenuous in oppoſing the meaſures then carrying on for introducing the popiſh religion and arbitrary power). There had in the former reign been ſome differences between the two families of Lowther and Rydal, which Sir John Lowther firſt endeavours to reconcile, in order that they might join together in the ſame common cauſe. And Sir Daniel's narrative proceeds as follows:

Letter from Sir John Lowther of Lowther to Sir Daniel Fleming.

SIR,

HAVING had the pleaſure of late to underſtand from ſeveral hands, but eſpecially from Sir John Lowther [of Whitehaven], that you ſtill retain a friendſhip for our family; and ſince I am willing to hope, that whatever miſunderſtanding was betwixt us happened rather by miſtake, or for reaſons which are now removed, than for any thing elſe: I would no longer forbear aſſuring you, that I have no greater pleaſure than to live well with all people, and eſpecially with my relations and ancient friends. And ſince you have formerly ſhewed yourſelf ſuch upon many occaſions, I cannot but wiſh that there may be the ſame mutual good offices as formerly. And if whilſt Sir John Lowther is here, who hath always been a friend of yours, you pleaſe to viſit this place, you ſhall be ſure to find that hearty welcome that you were wont to receive from,

Sir,

Your moſt affectionate kinſman and humble ſervant,

JOHN LOWTHER.

Lowther, Aug. 24, 1687.

At

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At the ſame time Sir John Lowther of Whitehaven writ to Sir Daniel by the ſame meſſenger as followeth:

SIR,

I CANNOT leave the country without returning you my acknowledgments for your great civilities to both me and my ſon at the aſſizes, and for the continued teſtimonies of your friendſhip upon all occaſions; and if our whole family have not had of late the ſame advantages thereof that I have enjoyed, it is not unknown how great a trouble it has been to me, nor how often I have wiſhed to be the happy inſtrument of reſtoring the good correſpondence betwixt ſo near relations. This, Sir, not I alone, but the whole country, I find, and all good men, have equally deſired, and I doubt not to ſee the wiſhed ſucceſs; ſince I can aſſure you, the ſame friendſhip that ever was on our ſide we do deſire may be renewed and continue as long as the families: which, by the freedom wherewith you were pleaſed to declare yourſelf to me at Carliſle upon this ſubject, is, I hope, what will be moſt welcome to you. The incloſed from Sir John himſelf will ſpare me the adding any more, and I hope bring you over whilſt I ſtay, which will be till Monday next. And I pray bring your ſon with you, that the young men may fix their acquaintance.

I am, Sir,

Your moſt affectionate kinſman and humble ſervant,

JOHN LOWTHER.

Lowther, Aug. 24, 1687.

Theſe two letters arriving at Rydal late in the evening, and Sir Daniel Fleming's two ſons being gone two days before to viſit their ſiſters in Lancaſhire, and Sir Daniel thinking it neceſſary to ſpeak with Sir Chriſtopher Muſgrave (who was lately come into the country from London, and had writ to Sir Daniel to meet him at Carliſle the week following), he returned the following anſwers to the ſaid two letters by the meſſenger who brought them, rather than go forthwith unto Lowther. His anſwer to the former letter was thus:

SIR, Rydal, Aug. 24, 1687.

I THANK you for your very obliging letter, which I have this evening received, and for your kind invitation unto Lowther; and I ſhould now have waited upon you and Sir John Lowther according to your deſires, had not my two ſons (William and Daniel) been gone into Lancaſhire with my ſervants and horſes. I do concur with you, that whatever miſunderſtanding was betwixt us, happened rather by miſtake than for any thing elſe. For I ever had a friendſhip for yourſelf and family; and without taking any further notice of what is paſt, upon my part ſhall be performed the ſame mutual good offices as formerly. My humble ſervice unto my good lady and all my couſins.

I am, Sir,

Your very affectionate kinſman, and moſt humble ſervant,

DAN. FLEMING.

In

In anſwer to Sir John Lowther of Whitehaven, he writ as follows:

SIR, Rydal, Aug. 24, 1687.

I HAVE even now received yours, with one from Sir John Lowther; and I have made him ſuch a return as I hope will be ſatisfactory unto you both. I am troubled that I cannot wait on you before your leaving this country, and that my ſon is no better acquainted with my couſin Lowther. I ſhall ever acknowledge my great obligation unto you for your conſtant friendſhip, and for the many favours which I have received from you. And if I may be any way ſerviceable unto you here in the country, I hope you will favour me with your commands. My humble ſervice unto yourſelf and my couſin your ſon, heartily wiſhing you both a ſafe return unto London. My ſon William and his brother Daniel are now in Lancaſhire, which hinders me now from telling you in perſon that I am, Sir,

Your very affectionate kinſman
and moſt faithful ſervant,
DAN. FLEMING.

In the mean time, Sir Daniel Fleming had an interview with Sir Chriſtopher Muſgrave; who had been diſplaced ſome little time before from the office of lieutenant of the ordnance for refuſing (as it was ſaid) to promiſe the king to give his vote for taking away the teſt and penal laws. About the ſame time, the king had removed the earl of Derby from being lord lieutenant of the county of Lancaſter, and put into his place the lord Molineux; and had alſo removed the earl of Thanet from being lord lieutenant of the counties of Weſtmorland and Cumberland, and put into his place the lord Preſton.

And that the king's declaration for liberty of conſcience might the more eaſily paſs into a law, the council agreed on the three queſtions following:

1. If in caſe you ſhall be choſen knight of a ſhire, or burgeſs of a town, when the king ſhall think fit to call a parliament; whether you will be for taking off the penal laws and teſts?

2. Whether you will aſſiſt and contribute to the election of ſuch members, as ſhall be for taking off the penal laws and teſts?

3. Whether you will ſupport the king's declaration for liberty of conſcience, by living friendly with thoſe of all perſuaſions, as ſubjects of the ſame prince and good chriſtians ought to do?

The ſeveral lords lieutenants were ordered to deſire the anſwers of all deputy lieutenants and juſtices of the peace within their reſpective lieutenancies, to each of the aforeſaid queſtions in particular.

And the lord Mollineux at Lancaſter, in the beginning of November following, having propoſed the ſaid queſtions to the juſtices there; they anſwered ſeverally as followeth: *viz.* Mr. Girlington, that he would have thoſe laws damned, with the contrivers of them. Mr. Preſton agreed to take away the ſanguinary laws only. Mr. Carus was for having thoſe laws burned, as the Scotch covenant was. Mr. Curwen Rawlinſon anſwered, No. Captain Kirkby and his uncle William Kirkby were for the affirmative; and ſo were colonel

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Roger Sawry and Mr. Henry Weſt. But Mr. Cole, Mr. Bradil the ſon, Mr. Knipe of Broghton, Mr. Copley, Mr. Joſeph Fletcher, and others, were negatives. Sir Robert Bindloſs appeared not, writing a letter negatively, and afterwards another letter otherwiſe. Edward Wilſon junior eſquire anſwered, that he would ſpeak by his repreſentative in parliament; and when the king ſhould pleaſe to call one, he would do his endeavour to chuſe a loyal man; and was of opinion that none ought to ſuffer for mere matters of religion. At Liverpool, only four or five, who were cuſtom-houſe officers, were for the affirmative. At Wigan, two only; and no more at Preſton, where colonel Rigby, colonel Rawſtorne, and many more, were negatives. At Clitheroe, all were alſo for the negative.

The lords lieutenants of divers counties having not met with that ſucceſs they expected, occaſioned the printing the following declaration:

Whitehall, Dec. 11, 1687.

His majeſty, having by his gracious declaration of the 4th April laſt, granted a liberty of conſcience to all his ſubjects; and reſolving not only to maintain the ſame, but to uſe his utmoſt endeavours that it may paſs into a law, and become an eſtabliſhed ſecurity to after ages; hath thought fit to review the liſts of the deputy lieutenants and juſtices of the peace in the ſeveral counties: that thoſe may be continued, who ſhall be ready to contribute, what in them lies, towards the accompliſhment of ſo good and neceſſary a work; and ſuch others added to them, from whom his majeſty may reaſonably expect the like concurrence and aſſiſtance.

The lord Preſton's occaſions would not give him leave to make ſuch haſte into the country, as many other lords lieutenants did. But in January following, he writ letters to every deputy lieutenant and juſtice of the peace within the counties of Weſtmorland and Cumberland as followeth:

SIR,

I DESIRE you will meet me at Penrith upon Tueſday the 24th of this month, about ten of the clock in the morning; I having ſome matters to impart to you by his majeſty's command. I am, Sir,

Your moſt humble ſervant,

PRESTON.

To the letter ſent to Sir Daniel Fleming, his lordſhip added this poſtſcript with his own hand:

I ſhould be very glad to ſee you at Hutton, before the meeting at Penrith. I hope to be there on Thurſday come ſe'nnight. My humble ſervice to Mr. Fleming; and believe me to be, Sir,

Your moſt affectionate and humble ſervant,

PRESTON.

Sir Daniel Fleming having received lord Preſton's letter, and his ſon another letter from his lordſhip, and Sir Daniel having not yet viſited Lowther ſince Sir John Lowther and he were made friends (although he was much preſſed to make that journey by Sir John Lowther of Whitehaven), Sir Daniel thought

thought it not amiſs for him to take Lowther in his way to Penrith, which he did on Jan. 21, being accompanied thither by his two ſons William and Daniel, and by his couſin John Brougham; where they were all very kindly entertained by Sir John Lowther and his lady; and where Sir John and Sir Daniel did agree upon their anſwers to the aforeſaid queſtions.

On the 23d, Sir Daniel Fleming, his ſon Daniel, and his couſin Brougham, went early to Hutton; where they dined, and would have returned that evening unto Lowther, but the lord Preſton would not permit them, obliging them to ſtay there all night; from which place they waited (with ſome other gentlemen) the next day upon his lordſhip who rode on horſeback unto Penrith; whither came Sir John Lowther, in his coach with ſix horſes, attended by Sir Daniel Fleming's eldeſt ſon, and the reſt of the deputy lieutenants and juſtices of the peace for the counties of Cumberland and Weſtmorland, ſave ſome who were ſo indiſpoſed in health that they could not ſafely travel ſo far from home.

The lord Preſton having deſired the gentlemen then preſent to take their places at a long table in the George inn at Penrith, and his lordſhip in a ſhort ſpeech having acquainted them with his majeſty's appointing him to be lord lieutenant of the two counties, and with the reaſons of his lordſhip's deſiring them to meet him there; he deſired them in his majeſty's name, either to deliver their ſeveral anſwers unto the three queſtions aforeſaid in writing, or that they would permit his lordſhip to call in his ſecretary to write the ſame. Upon which, all being ſilent a good while, Sir John Lowther ſtood up, and acquainted his lordſhip, that he conceived it would be more for his lordſhip's eaſe, to permit every gentleman to write his own anſwer: Which was ſeconded by Sir Daniel Fleming, adding, that if his lordſhip would give leave to the gentlemen there to withdraw into ſome other place for about one hour's time, then every one would come to his lordſhip with their ſeveral anſwers in writing under their hands. Which was forthwith aſſented unto. And the proteſtant gentlemen did go into one room, and the papiſts into another.

Within an hour's time all were ready with their anſwers; and then returning to his lordſhip, and taking again their places at the table, Sir George Fletcher ſtood up and read aloud his anſwer, which was pretty long, conſenting to indulge tender conſciences; but as to the teſt, referring it to the debate of the houſe: and declaring that he would ſtand for a knight of the county of Cumberland. Sir William Pennington read alſo his anſwer, conſenting to indulge tender conſciences, and to take away the teſts, ſo far as it ſhall not be prejudicial to the church of England. Then Sir John Lowther read his anſwer, which was as followeth:

1. If I be choſen a member of parliament, I think myſelf obliged to refer my opinion concerning the taking away the penal laws and teſts, to the reaſons that ſhall ariſe from the debate of the houſe.

2. If I give my intereſt for any to ſerve in the next parliament, it ſhall be for ſuch as I ſhall think loyal and well affected to the king and the eſtabliſhed government.

3. I will live friendly with thoſe of ſeveral perſuaſions, as a loyal ſubject and a good chriſtian ought to do.

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After whom, Sir Daniel Fleming, Sir John Ballantine, Edward Stanley, William Fleming, John Senhouſe, Miles Pennington, Chriſtopher Dalſton, Anthony Hutton, Edward Muſgrave, Henry Brougham, Thomas Denton, Chriſtopher Richmond, and Edward Haſſel eſquires, gave in the ſame anſwers verbatim as Sir John Lowther did, only with the change of their ſeveral names thereunto. Francis Howard, Thomas Brathwaite, William Fletcher, and John Skelton, eſquires (papiſts), gave in ſeveral anſwers, but all were for taking off the penal laws and teſts; and ſo did Thomas Warwick, Henry Dacre, John Aglionby, ——— Orfeur, and Thomas Dalſton, eſquires, (eſteemed proteſtants), the laſt of them abominating the teſt laws. Richard Patrickſon anſwered particularly, conſenting to indulge tender conſciences, and referring the teſt to the conſideration of the parliament. All theſe anſwers were delivered to his lordſhip, before Sir Richard Muſgrave of Hayton-caſtle arrived; who anſwered afterwards to the effect of Sir John Lowther's anſwer.—All which being done (our author adds) his lordſhip treated all the gentlemen very kindly and nobly, with wine, ale, and a good dinner.

Soon after this meeting, the lord Preſton writ to every of the abſent gentlemen thus:

SIR,

NOT meeting you with the reſt of the gentlemen at Penrith, I take this way of communicating to you the three following queſtions, to each of which in particular I am from his majeſty to deſire your anſwer.

I am, Sir,

Your moſt humble ſervant,

PRESTON.

Sir Chriſtopher Philipſon, Edward Wilſon, Thomas Fletcher, John Lamplugh, and Richard Lamplugh, eſquires, anſwered affirmatively. Edward Wilſon the younger eſquire had no letter ſent to him, he living in Lancaſhire, and having anſwered the ſame queſtions in that county *.—So far Sir Daniel Fleming's narrative of the proceedings of that time.

In

* As the above account manifeſts the diſpoſition of moſt of the principal gentlemen of the two counties at that critical juncture, ſo the following addreſs indicates the ſentiments of the corporation of Carliſle upon the ſame occaſion:

" To the king's moſt excellent majeſty,

" The humble addreſs of the mayor, aldermen, bailiffs, and citizens of the city of Carliſle.

" Dread Sovereign,

" Being now at liberty by the late regulation made here, to addreſs ourſelves unto your majeſty " we beg leave to return our late but unfeigned thanks for your majeſty's moſt gracious declaration " of indulgence, which we will endeavour to maintain and ſupport againſt all oppoſers. We like- " wiſe thank your majeſty for the royal army, which really is both the honour and ſafety of the " nation, let the Tekelites † think and ſay what they will. And when your majeſty in your great " wiſdom ſhall think fit to call a parliament, we will chuſe ſuch members as ſhall certainly concur " with your majeſty in repealing and taking off the penal laws and teſts, and not hazard the election " of any perſon who hath any ways declared in favour of thoſe Cannibal laws. Surely they do not

† Count Tekeli was at the head of the proteſtant malecontents in Hungary, who were then attempting to throw off the yoke of the houſe of Auſtria.

" conſider,

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In the fourth year of queen Anne he was created baronet.

His lady died before him, and on an oblong piece of braſs fixed in the wall at the eaſt end of Greſmere church, he cauſed the following inſcription to be ingraved:

Barbaræ Fleming,
Henrici Fletcher de Hutton in comitatu Cumbriæ baronetti, et Catharinæ uxoris ejus (filiæ primogenitæ Georgii Dalſton de Dalſton in eodem comitatu equitis aurati) filiæ natu maximæ, et Danielis Fleming de Rydal in comitatu Weſtmerlandiæ armigeri, amantiſſimæ, amabiliſſimæ, fideliſſimæque conjugi, in ipſo ætatis flore morte immatura præreptæ;

Quæ
ob fæliciſſimam indolem, inſignem pietatem,
ingentem charitatem, ſingularem modeſtiam,
ſummam probitatem, generoſam hoſpitalitatem,
vigilantem bonæ parentis curam,
moreſque ſuaviſſimos,
magnum ſui apud omnes deſiderium relinquens,
Corpus humo, amorem ſponſo et amicis,
Benedictionem quatuordecim liberis,
(decem nempe pueris ac quatuor puellis,)
Cœloque animam legavit.
Monumentum hoc, amoris et mœroris perpetuum teſtem,
Chariſſimus poſuit maritus.
Nata eſt apud Hutton 25 Julii, A. D. 1634.
Nupta ibidem 27 Aug. A. D. 1655.
Confirmata apud Witherſlack 22 Junii, A. D. 1671.
Mortua apud Rydal (de XV[a] prole) 13 Apr. A. D. 1675.
Lector,
Si lugere neſcias, (quod præſtat) æmulare.

The iſſue which he had by his ſaid wife were as follows:

1. *William*, the eldeſt ſon and heir.

2. *Catherine*, married to Edward Wilſon ſon of Edward Wilſon of Dalham-Tower eſquire.

3. *Alice*, who died unmarried.

4. *Henry Fleming*, D. D. rector of Greſmere and of Aſby; who married Mary daughter of John Fletcher of Hunſlet eſquire, and had iſſue one daughter Penelope married to John Keate eſquire, lieutenant in the Scotch horſe grenadier guards.

" conſider, what a ſovereign prince by his royal power may do, that oppoſe your majeſty in ſo " gracious and glorious a work; a work, which heaven ſmiles upon, and with no leſs bleſſing " (we hope) than a prince of Wales; that there may never want of your iſſue to ſway the ſcepter, " ſo long as the ſun and moon endure. That your majeſty's reign may be long and proſperous, " and bleſſed with victories over all your enemies, are the daily prayers of,

Gracious Sir,
Your majeſty's moſt obedient and dutiful ſubjects.

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5. *Daniel*, who died unmarried.
6. *John*, who died at the age of three years.
7. *Barbara*, married to John Tatham of Overhall eſquire.
8. *Mary*, married firſt to Henry (or Anthony) Bouch of Ingleton eſquire, afterwards to Edward Wilſon of Caſterton eſquire.
9. *George Fleming*, D. D. biſhop of Carliſle; who after the death of *William* without iſſue male, ſucceeded to the intailed eſtate.
10. *Michael*, whoſe poſterity, after failure of iſſue male from *George*, ſucceeded as tenants in tail, and ſtill enjoy the inheritance aforeſaid.
11. *Richard*, who married Iſabel only daughter and heir of William Newby of Cawmire gentleman, and by her had iſſue one ſon Daniel, who married but had no iſſue; and four daughters, Barbara, Anne, Iſabel, and Catharine, the laſt of whom was married to George Cumpſton of Ambleſide gentleman.
12. *Roger Fleming*, M. A. vicar of Brigham; who married Margaret Moorhouſe a Yorkſhire gentlewoman, and by her had iſſue one ſon Daniel, now land-ſurveyor of the port of Whitehaven; which Daniel married Mary daughter of Joſeph Dixon of Whitehaven gentleman, by whom he hath one ſon Roger and three daughters.
13. *James*, who was a captain in the militia, and died unmarried.
14. *Thomas*, who died at the age of four years.
15. *Fletcher*, who married Elizabeth daughter of Mr. Thomas Brathwaite of Windermere; and by her had iſſue a ſon Fletcher, who married Iſabella daughter of Mr. William Herbert of Kendal, and had iſſue one ſon Fletcher; and three daughters, Agnes, Iſabella, and Barbara.

XX. Sir WILLIAM FLEMING of Rydal baronet, ſon and heir of Sir Daniel.

In 1695, on Sir John Lowther's being made a lord, he was choſen to repreſent the county of Weſtmorland in parliament, and again in 1698, 1702, 1705, and 1707.

He married Dorothy daughter of Mr. Thomas Rowlandſon of Kendal, and by her had three daughters, 1. *Dorothy*, married to Edward Wilſon of Dallam-Tower eſquire. 2. *Barbara*, married to Edward Parker of Brooſholm eſquire. 3. *Catharine*, married to Sir Peter Leiceſter of Tabley baronet.

And here, on the death of Sir *William*, the direct male line failing, the next ſurviving heir male of the family was

Sir GEORGE FLEMING baronet, fourth brother of the ſaid Sir *William*; which *George* was biſhop of Carliſle as aforeſaid. He married Catherine daughter of Robert Jefferſon (and one of the coheirs of Thomas Jefferſon) of the city of Carliſle gentleman, and by her had iſſue,

1. *William Fleming*, M. A. archdeacon of Carliſle; who married Dorothy daughter of Daniel Wilſon of Dalham-Tower eſquire, and by her had iſſue one daughter Catherine, married to Thomas Aſcough eſquire. This *William* died in the life-time of his father, without other iſſue; whereby the inheritance became transferred to another collateral male branch.
2. *Mary*, married to Humphrey Senhouſe of Netherhall eſquire.

3. *Barbara*, who died young.
4. *Catherine*, married to Joſeph Dacre Appleby of Kirklinton eſquire.
5. *Mildred*, married to Edward Stanley of Ponſonby eſquire.
6. *Elizabeth*, who died in her infancy.

The direct male line failing again upon the death of *George*, we have recourſe to his next brother *Michael*, who was tenth child as aforeſaid of Sir *Daniel*. This *Michael* was major of a regiment of foot. He married Dorothy Benſon a Yorkſhire gentlewoman; and, dying before his brother *George*, he left iſſue a ſon *William*, who ſucceeded as heir in tail, and a daughter *Suſan* married to Michael Knott of Rydal gentleman.

XXI. Sir WILLIAM FLEMING of Rydal baronet, ſon of *Michael*, ſucceeded as next heir male upon the death of *George*. He married Elizabeth daughter of Chriſtopher Petyt of Skipton gentleman, and had iſſue, 1. *Michael*. 2. *Amelia*. 3. *Barbara*. 4. *Elizabeth*. 5. *Dorothy*.—This Sir *William*, from his veneration for antiquity, was deſirous to reſtore the primitive orthography of the family name, by inſerting the particle *le*; and (in this inſtance) effectually performed it, by incorporating the particle with his ſon's chriſtian name at his baptiſm: who thereby bears the ſame name with the firſt founder of the family after the conqueſt, *viz.*

XXII. Sir MICHAEL LE FLEMING of Rydal baronet, now knight of the ſhire for the county of Weſtmorland, and as yet unmarried.

——In deducing this pedigree, which is one of the cleareſt we have, and moſt indubitable, we have attended particularly to the courſe of generation rather than of ſucceſſion; from whence, ſo far as it may be reaſonable to form a general concluſion from a particular inſtance, we may conjecture, that the number of generations ſince the conqueſt hath been about one or two and twenty.

The ARMS of Fleming, with their ſeveral quarterings, in Sir Daniel's time, were as follows: 1. The paternal arms of *Fleming*; Gules, a frett of ſix pieces Argent. 2. Argent, on a bend Sable, three lozenges of the firſt charged each with a ſaltier Gules; by the name of *Urſwic*. 3. Argent, two bars Gules, on a canton of the ſecond a lion paſſant guardant Or: *Lancaſter*. 4. Gules, frettee Argent: *Hodleſton*. 5. Argent, a bend between two mullets Sable: *Millum*. 6. Argent, a cheveron between three bulls heads caboſhed Sable: *Boyvell*. 7. Parted per feſs Gules and Argent ſix martlets counterchanged: *Fenwick*. 8. Argent, a lion rampant Sable, armed and langued Gules: *Stapleton*. 9. Argent, a lion rampant Azure, armed and langued Gules: *Fauconberge*. 10. Barry of eight pieces Or and Gules: *Fitz-Alan*. 11. Sable, a frett Or: *Maltravers*. 12. Parted per pale Or and Vert, a croſs moline Gules: *Ingham*. 13. Azure, a feſs between three leopards heads Or: *De la pole*. 14. Parted per pale Argent and Gules, a bend counterchanged: *Chaucer*.

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The *Creſt:* An helmet, and thereupon a mantle Gules, doubled Argent. Above the ſame, a torce Argent and Gules. Thereon a ſerpent nowed, with a garland of olives and vines in its mouth; all proper.

Motto, underneath: *Pax*, *Copia*, *Sapientia*; all relating to the creſt, as *peace* to the olive branches, *plenty* to the vine, and *wiſdom* to the ſerpent.

All after *Hodleſton*'s coat are quartered by virtue of that match; viz. *Hodleſton* married *Millum*'s (who had married *Boyvell*'s) heir; then *Hodleſton* married *Fenwick*'s heir, and afterwards *Stapleton*'s. *Stapelton* had married *Falconberge*'s heir, and *Fitz-Alan*'s. *Fitz-Alan* had married the heir of *Maltravers*. Then *Stapleton* married *Ingham*'s heir and *De la pole*'s. *De la pole* had married the heir of *Chaucer*. (All which we the rather take notice of, as it affords an eminent example of heireſſes carrying over the arms of their family into that with which they intermarry.)

Sir *Daniel* impaled *Fletcher*; viz. Argent, a croſs ingrailed Sable, between four ogreſſes, each charged with a pheon of the firſt.

RYDAL HALL is a large old building, which hath been erected at ſeveral times. It is intended by the preſent owner to be rebuilt. It is ſituate on the ſide of an hill, with a pleaſant proſpect over moſt of the vale, and over part of Winandermere, which is ſaid to be the greateſt ſtanding water in England.

Nigh to the hall runs a rivulet on the eaſt ſide called the *Gill*, which exhibits a natural caſcade; and a little below it on the ſouth ſide, the river *Rowtha* taketh its courſe, which probably gave name to this dale, and runneth by Ambleſide into Winandermere.

This country abounds with *wood*, which is much uſed in the iron works.

The *demeſne* belonging to the lord of the manor is very conſiderable; in which is a large park, for which a charter was obtained in the reign of king Edward the firſt, but it hath now no deer in it. Here was alſo another park called the Low-park, but that hath been diſparked a long time ago.

Upon the top of a round hill, on the ſouth ſide of the highway leading from Keſwick to Kendal, was anciently placed the manor-houſe or hall near to the ſaid Low-park. But upon the building of the other hall, on the north ſide of the ſaid highway, near unto the High-park, the ſaid manor-houſe became ruinous, and got the name of the Old Hall, which it ſtill beareth; where is now to be ſeen nothing but the ruins of buildings, walks, and fiſh ponds; and the place where the orchard was, is now a large incloſure without ever a fruit tree in it, now called the Old Orchard.

In the highway at the end of the old orchard, was a cauſway, which was charitably made by John Bell, curate and ſchoolmaſter of Ambleſide; every Thurſday and Saturday in the afternoon cauſing his ſcholars to gather ſtones for the paving thereof, and he did then pave the ſame himſelf.

The tenants are chiefly cuſtomary and heriotable.

LOUGHRIG evidently derives its name from the *loughs* or lakes with which this country abounds. It is an hamlet of itſelf, oppoſite to Rydal on the other ſide

ſide of the water: which being conjoined with a bridge, makes as it were one intire village, yet they are two manors.

There is a place in Loughrig called Fold-houſe, which is freehold, and heretofore belonged to the family of *Benſon*. The laſt of which name, *Bernard Benſon*, married a daughter of Gilpin of Kentmere, and had four daughters coheirs; of whom, one was married to judge Hutton, another to James Brathwaite of Ambleſide eſquire, a third to Mr. Davies of Winder in the pariſh of Barton, and the fourth to Mr. Michael Benſon of Coat-how.

III.

LANGDALE AND BAISBROW.

LANGDALE is divided into *Great Langdale* and *Little Langdale*; the former being held under the crown as parcel of the manor of Windermere; the latter hath been granted off, and hath for a long time been enjoyed by the Penningtons of Moncaſter, who ſold moſt of the tenements to freehold about the year 1692; of the reſt, the ſeigniory was purchaſed by John Philipſon of Calgarth eſquire.

In the 49 Ed. 3. after the death of Joan de Coupland aforeſaid, the inquiſition finds, that ſhe died ſeiſed of the manor of Winandermere with its members and appurtenances, and amongſt the reſt the hamlet of Langden.

In the 14 Eliz. the inquiſition finds, that William Parr marquis of Northampton died ſeiſed to him and his heirs male of the manor of Langden, and of divers meſſuages and tenements in Langden.

And in the particulars of the dower aſſigned to his widow, one Item is, "*Langden:* Total of the yearly rent there, 3*l* 6*s* 10*d*. The tenants and inhabitants of Langden pay for a parcel of waſte ground for their common unto the lords of the ſame 5*l*; whereof to the queen 50*s*, to my lady marquis 37*s* 6*d*, and to Mr. Gilpin 12*s* 6*d*. The ſaid tenants pay yearly to the lord for greenhue at his court 2*d*, or elſe 1*d* and an hen, amounting in all to 11*s* 10*d*."

The *chapel* ſtands in Great Langdale, but it belongs alſo to Little Langdale and Baiſbrow. The ancient ſalary thereof is 6*l* 4*s* 3*d*, which ſeems originally, like as in many other of the chapelries, to have been 20 nobles, or 6*l* 13*s* 4*d*. There is alſo an houſe and ſmall parcel of ground belonging thereto, of the yearly value of 2*l*. In 1743, queen Anne's bounty of 200*l* fell to it by lot, with which an eſtate was purchaſed in the pariſh of Ulverſtone, with the addition of 51*l* 4*s* poor ſtock, for which the poor receive one fifth part of the rent. In 1767, another lot of 200*l* fell to the ſaid chapel, wherewith an eſtate was purchaſed in Little Langdale. The whole revenue of the chapel amounts to about 21*l* a year.

In Little Langdale is a place called *Chapel mire*, where it is ſaid a chapel formerly ſtood, which was removed and united to that of Great Langdale.

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In Langdale are two high hills, in the road from Cumberland to Greſmere, called *Hardknot* and *Wreynoſe*, the latter being ſo denominated from its crookedneſs. Upon the latter of which mountains are placed the ſhire ſtones, being three little ſtones, near the highway, of about a foot high, and a foot from each other, ſet in a triangle, where the counties of Weſtmorland, Cumberland, and Lancaſter do all meet together in a point, each of the ſaid ſtones being in one of the three counties aforeſaid.

In Little Langdale is got fine blue ſlate; large quantities of which are ſent off to London and other places.

BASEBROWNE (as it was anciently called) is within the conſtablewick of Langdale, which was given by William de Lancaſtre baron of Kendal, to the prior and convent of Coningſhead in Lancaſhire. The principal eſtate therein was made up of ſeveral tenements purchaſed by Mr. Gawen Brathwaite, and ſo made into a demeſne. The tenants belonged to the Benſons, and were ſold by John Benſon to Thomas Brathwaite of Ambleſide. In which name they continued, till they came into the hands of Miles Atkinſon, by his marriage with Dorothy daughter and heir of Robert Brathwaite of High-houſe in Hugill, brother and heir of Thomas, ſon and heir of Gawen, ſon of Thomas the purchaſer.

Eagles and ravens ſometimes build in this chapelry.

AMBLESIDE is part in this pariſh, and part in the pariſh of Windermere; and we defer to treat thereof until we come into that pariſh. Which here next follows.

PARISH OF WINDERMERE.

THE pariſh of WINDERMERE hath received its denomination from the famous *mere* or lake therein. From whence the lake itſelf hath derived its name, is not certain. Some have imagined it to be ſo called from the great *winds* which pour down upon it from the mountains; others from its *winding* and turning; but Sir Daniel Fleming's conjecture ſeems to be moſt probable, that it hath received its name from the proper name of a man, as well as that of Thurſtan water (now called Coningſton water) in Lancaſhire, and that of Ulfe's water (now called Ulſwater) in the confines of Weſtmorland and Cumberland.

This pariſh is bounded on the Eaſt by Kentmere in the pariſh of Kendal; on the South, by Crooke and Winſter in the ſaid pariſh of Kendal, and by Cartmell fell in the county of Lancaſter; on the Weſt, by the bailiwick of Hawkſhead in the ſaid county of Lancaſter (ſo that the whole lake is in this pariſh); and on the North, by the pariſh of Greſmere.

The church is dedicated to St. Martin; and is a rectory, valued in the king's books at 24*l* 6*s* 8*d*. It was certified to the governors of queen Anne's bounty at 78*l*: *viz.* parſonage houſe and land 30*l*; compoſitions, tithes of wool

wool and lamb, and other ſmall tithes 44*l*; ſurplice fees 4*l*. But the deductions reduced the ſame to 71*l* 7*s* 2*d*; amongſt which deductions were, to the receiver of the crown rents 1*l* 13*s* 4*d*, and to the vicar of Kendal 13*s* 4*d*.

Anciently, this pariſh, in like manner as that of Greſmere, was part of the pariſh of Kendal; but by length of time it hath obtained the reputation of a diſtinct pariſh.

At the appropriation of the church of Kendal to the abbey of St. Mary's York, the patronage of this *chapel* (as it was called) was not given to the ſaid abbey as was that of the church of Kendal, but the ſame remained to Ingelram de Gynes and Chriſtian his wife, grantees of the crown. But there was a penſion of 33*s* 4*d* paid out of this chapel to the ſaid abbey.

By the inquiſition *poſt mortem* of Joan de Coupland in the 49 Ed. 3. it is found, that ſhe held by grant of the king during her life the advowſon of the *chapel* of Wynandermer, valued at 100*s*. And in token of ſubjection, the rector of Windermere pays to this day an annual penſion of 13*s* 4*d* to the vicar of Kendal.

The patronage and advowſon of this church ſeems to have continued in the crown till the 7th year of queen Elizabeth, when the ſame was granted to William Herbert and John Jenkins, to hold of the queen in free ſocage by fealty as of the manor of Eaſt Greenwich. And after ſeveral meſne conveyances, the ſame was purchaſed by the late Sir William Fleming baronet, who by his laſt will and teſtament deviſed the ſame to his four daughters.

There are four townſhips or conſtablewicks in this pariſh; *Undermilbeck*, *Applethwaite*, *Troutbeck*, and *Ambleſide*, part of which laſt (as aforeſaid) is in the pariſh of Greſmere.

I.

UNDERMILBECK.

Undermilbeck is divided from Applethwaite by the brook which carries a *mill* there, from whence it receiveth its name; as Applethwaite may be ſtyled *Overmilbeck*.

This moſt commonly goes by the name of the *manor* of Windermere. But the manor originally was much larger, extending through ſeveral townſhips which were parcels thereof.

Thus after the death of Joan de Coupland aforeſaid the inquiſition finds, that ſhe died ſeiſed of *Wynandermer*, with its members and appurtenances, to wit, the hamlets of Langden, Loughrigge, Griſmer, Hamelſide, Troutbeck, Applethwaite, Croſthwaite, Stirkland Ketel, and Hoton.

It is of the Richmond fee; and in the 4 Ed. 3. Chriſtian de Lindeſey obtained a charter of free warren in Windermere. And in the 14th year of the ſame king, William de Coucy obtained a like charter of free warren there.

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On the ſurvey made of the queen's lands, in the 28 Cha. 2. it was found, that in Undermilbeck there were 81 tenements of the Richmond fee, of the yearly rent in the whole of 13*l* 8*s* 0*d*.

There are ſome few tenements in this diviſion which pay rent and fine to other perſons beſides the king, by grant probably from the crown in former times.

At the diſſolution of the monaſteries, there was a tenement in Winandermere which belonged to Shap abbey, then in the poſſeſſion of Iſaac Dixon; and for which the owners of Thornborrow-hall paid a yearly rent of 5*s* to the lord Wharton, whoſe family had a grant from the crown of the poſſeſſions of the ſaid abbey.

Part of Undermilbeck is called *Bowneſs*, anciently *Bulneſs*; in which ſtands the *church*; which is an handſome large building, with two rows of pillars, a ſquare tower with 3 bells and a ſaint's bell. Anciently there was an organ; but it was demoliſhed in the civil wars in the reign of king Charles the firſt. There is a large quire window, with excellent coloured glaſs therein, which glaſs (it is ſaid) belonged to Furneſs abbey, and after the diſſolution of the ſaid abbey was purchaſed by the pariſhioners of Windermere, and placed here in their church. The window conſiſts of ſeven compartments or partitions. In the third, fourth, and fifth, are depicted, in full proportion, the crucifixion, with the Virgin Mary on the right, and the beloved diſciple on the left ſide of the croſs: Angels are expreſſed receiving the ſacred blood from the five precious wounds: Below the croſs, are a group of monks in their proper habits, with the abbot in a veſtment: Their names are written on labels iſſuing from their mouths; the abbot's name is defaced, which would have given a date to the whole. In the ſecond partition, are the figures of St. George and the dragon. In the ſixth is repreſented St. Catharine, with the emblems of her martyrdom, the ſword and wheel. In the ſeventh are two figures of mitred abbots, and underneath them two monks dreſſed in veſtments. In the middle compartment, above, are finely painted, quarterly, the arms of England and France, bound with the garter and its motto, probably done in the reign of king Edward the third. The reſt of the window is filled up by pieces of tracery, with ſome figures in coats armorial, and the arms of ſeveral benefactors, amongſt whom are Lancaſter, Urſwick, Harrington, Kirkby, Preſton, Middleton, and Millum *. The Flemings paternal coat (*viz.* Gules, a frett of ſix pieces Argent) is in divers parts of this window, ſome of them with a file of five points or lambeaux; which began to be uſed about the reign of king Edward the firſt, as a difference for the eldeſt ſon, the father being living.

The *parſonage houſe* is called the *hall*; there being no other gentleman's houſe in the village of Bowneſs. It ſtands in a pleaſant ſituation, which is rendered more agreeable by Windermere water on the north and weſt ſides thereof, upon the banks of which the glebe land lies for near half a mile in length,

* Weſt's Furneſs Abbey, p. 95.

being

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being about 40 acres, reaching from the houſe to the water ſide. It is a good houſe: Part of it was rebuilt by Mr. Richard Archer, formerly fellow of Queen's college in Oxford, rector thereof; and another part by Mr. William Wilſon taberdar of the ſaid college: And it hath received conſiderable improvements by the preſent worthy rector Mr. Giles Moore, elder ſon of John Moore of Grimeſhill in this county eſquire.

The *ſchool* alſo is ſituate in the village of Bowneſs, at a ſmall diſtance from the church. There was a ſtock of 200*l* raiſed for the ſupport of a ſchoolmaſter by contribution of the inhabitants of Undermilbeck and Applethwaite. A ſchool-houſe alſo was erected by a like contribution, about the year 1637. It is governed by four truſtees and ten feoffees. In 1677, the truſtees were Robert Philipſon of Calgarth eſquire, William Wilſon rector of Windermere, Thomas Dixon of Orreſt-head, and Robert Birket of Lickbarrow; whoſe reſpective heirs or ſucceſſors are to ſucceed in this office for ever. The feoffees are to be choſen out of the reſt of the moſt ſubſtantial inhabitants in both the ſaid hamlets, and when one half of them is dead, the ſurvivors chuſe others to fill up the number, and then new ſecurity is drawn between the truſtees and feoffees. And an eſtate was purchaſed with the contribution money, which is now worth about 15*l* a year.

By a further agreement in 1762, it was ſettled, that the rector, and the owners of Rayrigg, Lickbarrow, and Berkthwaite eſtates, for the time being, ſhall be truſtees of the ſaid ſchool.

Thomas Dixon of Fulbarrow, in the year 1730, gave 20*s* yearly iſſuing out of the ſaid eſtate, for books to be diſtributed to poor children taught at the ſaid ſchool: and alſo 20*s* to the uſe of the poor of Undermilbeck.

John Kirkby of Lindeth gave 5*l*, the intereſt whereof to be diſtributed in like manner.

Francis Bonack of Bought in this pariſh, in the 14 Cha. 1. gave by his will 100*l* to the poor of this pariſh, wherewith an eſtate was purchaſed in Natland, now of the yearly value of 11*l* 18*s* 0*d*, to be diſpoſed of in the following proportions, *viz.*

	l	*s*	*d*
Undermilbeck	4	1	10
Applethwaite	4	1	10
Troutbeck	2	9	6
Ambleſide	1	4	9

Robert Dixon and ——— Shaw, in 1731, gave 14*l*, the intereſt thereof to be diſtributed yearly to the poor of the ſaid pariſh.

Edward Bellman, Thomas Collinſon, and Robert Dixon gentleman, in the year 1742, gave 22 dozen of loaves of bread to the poor of the ſaid pariſh yearly.

II.

APPLETHWAITE.

APPLETHWAITE expreſſeth its own derivation. It is a long ſtraggling hamlet, like many of the reſt, or rather a number of ſingle houſes, each houſe being ſituate as is moſt convenient for the lands about it. And in this reſpect theſe dales have the advantage of towns and villages, where the lands are frequently intermixed, and ſome of them at a conſiderable diſtance. It is an intire conſtablewick. The river Troutbeck runs at the high end of it, on the weſt ſide thereof. The great road from Kendal to Keſwick goes through it; and near this road, at a place called St. Catharine's Brow, was an ancient chapel, now converted into a dwelling-houſe, but it may yet be diſtinguiſhed, ſtanding eaſt and weſt, and having an end window (as in other chapels) now walled up.

Applethwaite is of the Richmond fee; and on the ſurvey made of the queen's lands in the 28 Cha. 2. it appeared, that in Applethwaite there were 62 tenements, of the yearly lord's rent in the whole of 24*l* 10*s* 10½*d*.

Sir Daniel Fleming takes notice of a cuſtom in this hamlet which is ſomewhat extraordinary. Every tenant's wife below the ſaid highway pays 5*d* yearly, and every other woman above 16 years of age 2*d*, to the king, as lord of the manor. Above the ſaid highway, every tenant's wife or widow pays 3*d* yearly, and every other woman dwelling there 1*d*. What might be the foundation of this cuſtom, or what the reaſon of the diverſity, we have not been able to conjecture. And the cuſtom itſelf ſeems to be now vaniſhed and gone.

Within this townſhip of Applethwaite is *Calgarth* (anciently written *Calfgarth*), a good old houſe and tenement, near the ſide of Windermere water; which for a long time was the chief ſeat of the *Philipſons*, an ancient family in this neighbourhood.

The ancienteſt houſe in this county belonging to the *Philipſons*, ſome ſay was *Hollinghall*; others affirm that *Thwatterden* or *Crook*-hall was the ancienter houſe, though it was afterwards given to a younger brother.

This family, by a traditionary account, derive their deſcent from *Philip* a younger ſon of *de Therlwall* in Northumberland; whoſe heir, from his father, took the name of *Philipſon*.

The firſt in their family pedigree * is,

I. ROBERT PHILIPSON of Hollinghall, who married a daughter of one Dockwray of Dockwray-hall in Kendal; who, as the pedigree ſets forth, lived in the reign of king Henry the third. Which probably is a miſtake; for the next in the pedigree lived in the reign of king Henry the ſixth, and died not until the 8 Hen. 8. So that by this account there muſt have been near 200 years intervening between theſe two perſons. So indeed it might be, and the

* As copied both by Sir Daniel Fleming and Mr. Machel.

account

account of the intermediate perſons be loſt. But in all the inquiſitions *poſt mortem*, and other evidences during that period, we have not found the name of *Philipſon* in this county earlier than the perſon who ſtands ſecond in the ſaid pedigree in the reign of king Henry the ſixth as aforeſaid. Poſſibly, Hen. 3. may have been miſtaken for Henry 4. (as the miſtake might eaſily be made in the numeral letters in old writings); and then the difficulty vaniſheth. And we ſhall ſcarcely find the termination *ſon* at the end of a name much earlier than that period. Upon this ſuppoſition, this Robert may ſtand as father to the perſon who next follows in the Philipſon pedigree, *viz.*

II. ROWLAND PHILIPSON of Hollinghall eſquire; who married Katherine daughter of Richard Carus of Aſtwait. He had two ſons, *Edmund* and *Robert*. And by a deed bearing date in the 20 Ed. 4. it was agreed between him and Thomas Layburne of Cunſwick eſquire, that the ſaid Edmund ſhould marry Janet daughter of the ſaid Thomas Layburne; and if the ſaid Edmund ſhould die before ſuch marriage, then Robert the ſecond ſon ſhould marry her. Edmund died before his age of conſent; and Robert afterwards married her. —This Rowland died (as is aforeſaid) in the 8 Hen. 8. and was ſucceeded by his ſurviving ſon and heir,

III. ROBERT PHILIPSON of Hollinghall eſquire: He died in the 31 Hen. 8. leaving iſſue, by his wife Janet Layburne aforeſaid,

IV. CHRISTOPHER PHILIPSON of Calgarth eſquire; who married Elizabeth daughter of Robert Briggs of Helsfell-hall. From which Robert, colonel Briggs ſeems to have deſcended, who was an eminent commander under Oliver Cromwell, and a juſtice of the peace for Weſtmorland during the time of the commonwealth.—This Chriſtopher was receiver to king Edward the ſixth of his rents in Weſtmorland. He died in the 7 Eliz. and had iſſue 5 ſons and 2 daughters:

1. *Robert*, who was a bencher in the Middle Temple, London.
2. *Nicholas*, who died without iſſue.
3. *Francis*, who alſo died without iſſue.
4. *Rowland*, who ſucceeded to the inheritance after the death of Robert, his other two brothers Nicholas and Francis being then alſo dead.
5. *Myles Philipſon* of Thwatterden-hall eſquire, from whom deſcended the Philipſons of Crooke. He married Barbara ſiſter and coheir of Francis Sandys of Coniſhead in Lancaſhire; by whom he had *Robert Philipſon* of Thwatterden-hall; who had *Chriſtopher Philipſon* of Thwatterden-hall; who married Mary daughter of William Huddleſton of Milholme Caſtle in Cumberland, and by her had *Huddleſton Philipſon* eſquire his eldeſt ſon and heir, who was colonel of a regiment in the ſervice of king Charles the firſt; another ſon *Robert Philipſon*, who was major in the ſaid king's ſervice, and for his martial atchievements (as is aforeſaid) was ſurnamed Robin the Devil; and a daughter *Elizabeth* married to Latus.

The ſaid *Huddleſton Philipſon* married Elizabeth daughter of Alan Aſkeugh of Skeughſby in Yorkſhire eſquire; and by her had iſſue (1) Sir *Chriſtopher Philipſon* knight, who married Clara daughter of Lionel Robinſon of Cowton Grange nigh Richmond in Yorkſhire. (2) *Alan*, who was a captain of foot

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in Flanders at the ſiege of Mons. (3) *Robert*, captain of a privateer in the Weſt Indies. (4) *Miles*.

Robin ſurnamed the Devil aforeſaid, brother of *Huddleſton*, married Anne daughter of Thomas Knype of Burblethwaite in Lancaſhire near Witherſlack; and had iſſue *Robert*, *Chriſtopher*, and *Clare*.

6. *Anne*, married firſt to Criſtopher Carus, and ſecondly to John Richardſon of Ramſide-hall in Lancaſhire.

7. *Janet*, married to Thomas Ward of Rigmaden.

V. ROBERT PHILIPSON of Calgarth eſquire, eldeſt ſon of Chriſtopher, died without iſſue in the year 1631; and there is in the wall of Windermere church a monument of him in black marble. He was ſucceeded by his next ſurviving brother,

VI. ROWLAND PHILIPSON of Calgarth eſquire, fourth ſon of Chriſtopher. He married Catharine daughter and heir of Nicholas Carus of Kendal; and by her had iſſue, (1) *Chriſtopher*, who married Elizabeth daughter of Sir Marmaduke Wyvil of Conſtable Burton in the county of York baronet, and died without iſſue. (2) *Robert*, who ſucceeded his father: During his brother's lifetime, he reſided at Melſonby in Yorkſhire. (3) *Rowland*, who married Elizabeth Mohun, and had a daughter Elizabeth married to Hugh Fiſher of London.

To this Rowland ſon of Chriſtopher the heralds confirmed the arms of Therlwall, and granted him a creſt to the ſame, as follows: "To all and "ſingular as well nobles, gentles, as others, to whom theſe preſents ſhall "come, to be ſeen, heard, read, or underſtood; Robert Cooke eſquire, "alias, Clarencieulx king of arms, of the eaſt, weſt, and ſouth parts of this "realm of England, ſendeth greeting: Forasmuch as Rowland Philipſon, "alias, Therlwall, of Calgarth in the county of Weſtmorland, and Miles "Philipſon alias Therlwall of Thwatterden hall in the county aforeſaid, bro- "thers, ſons to Chriſtopher, ſon to Robert, ſon to Rowland Philipſon alias "Therlwall of Thwatterden-hall aforeſaid, which Rowland was deſcended of "a younger brother forth of the houſe of Therlwall in the county of North- "umberland, which ſaid Rowland by reaſon of the chriſtian name of one of "his anceſtors was called Philip, the younger ſon of the ſaid Philip was called "Philipſon, and ſo continueth the ſame ſurname, which Rowland their an- "ceſtor was the bearer of theſe arms, which likewiſe to them by juſt deſcent "and prerogative of birth are duly received, unto the which no creſt or cog- "nizance is known properly to belong, as unto many ancient coats of arms "there be none,—have therefore required me the ſaid Clarencieulx king of "arms, to aſſign unto their ancient arms not only a creſt, but ſuch difference "of the creſts, as alſo a difference to the arms of Miles Philipſon (younger "brother as aforeſaid to Rowland) which may be meet and lawful to be born, "without prejudice or offence to any other perſon or perſons. In conſidera- "tion whereof, and at their inſtant requeſt, I the ſaid Clarencieulx king of "arms, by virtue of my office, and by the power and authority to me com- "mitted by letters patent under the great ſeal of England, have aſſigned, "given, and granted unto the ſaid Rowland Philipſon alias Therlwall his

"ancient

" ancient arms, being Gules and a cheveron between three boars heads coopey " Ermine, tuſked d'Or, and for his creſt or cognizance upon the helme, five " oſtretch feathers, three Argent, two Gules, ſet in a crowne murall d'Or: " And to Miles Philipſon alias Therlwall (younger brother to the ſaid Row- " land) the ſame coat of arms, with a border Gold, the creſt to the ſame coat " as the other creſt, differing only in the feathers; that is to ſay, three Gules " and two feathers Argent, mantelled Gules, doubled Or, lyned White. " Which arms and creſts or cognizances, and every part and parcel of them, " I the ſaid Clarencieulx king of arms do by theſe preſents ratify, confirm, " give, and grant unto the ſaid Rowland Philipſon and Miles his brother, " gentlemen, and to their iſſue and poſterity for ever. They and every of " them the ſame to have, hold, uſe, bear, enjoy, and ſhew forth, at all times " and for ever hereafter, at their liberty and pleaſure, with the diſtinctions " and differences due according to the laudable uſage and cuſtom of bearing " arms, without the impediment, lett, or interruption of any perſon or per- " ſons. In witneſs whereof, I the ſaid Clarencieulx king of arms have here- " unto ſubſcribed my name, and ſet the ſeal of my office, the 18th day of " May in the year of our Lord God 1581, and in the 23d year of the reign " of our moſt gracious ſovereign lady Elizabeth, by the Grace of God queen " of England, France, and Ireland, defendreſs of the faith, and ſo forth."

VII. ROBERT PHILIPSON of Melſonby and Calgarth eſquire, married Anne daughter of Geoffrey Gourley of the city of London; and by her had iſſue *Chriſtopher*, *Robert*, *Rowland*, *Carus*, *John*, *Anne*, *Mary*, and *Catharine*.

VIII. CHRISTOPHER PHILIPSON of Calgarth and Melſonby eſquire, eldeſt ſon of Robert, married to his firſt wife Mary daughter of Thomas Percehay of Riton in Yorkſhire eſquire. To his ſecond wife he married Anne daughter of Richard Burghe of Eſeby in Yorkſhire, coheir of Lancelot her brother. He was barriſter at law, and major of a regiment in the ſervice of king Charles the firſt. He died without iſſue, and was ſucceeded by his eldeſt ſurviving brother,

IX. JOHN PHILIPSON of Calgarth and Melſonby eſquire; who married Dorothy daughter of Chriſtopher Crackenthorp of Newbiggin eſquire.

In the year 1652, this John was one of thoſe delinquents (as they were called) whoſe eſtates were confiſcated by an act of Cromwell's parliament. He died in 1664, and had iſſue *Robert*, *Chriſtopher*, *John*, *Rowland*, *Carus*, *William*, *Miles*, *Mary*, *Anne*, *Margaret*, *Dorothy*, and *Barbara*.

X. ROBERT PHILIPSON of Calgarth eſquire, ſon and heir of John. He ſold the Melſonby eſtate, the family having been greatly impoveriſhed by ſequeſtrations and heavy compoſitions. He married Barbara daughter of William Penington of Seaton in Cumberland eſquire, and had iſſue *John*, *Chriſtopher*, *Robert*, *Miles*, *Rowland*, *William*, *Beatrice*, *Dorothy*, and *Judith*. He died beyond the ſeas.

XI. JOHN PHILIPSON of Calgarth eſquire, his eldeſt ſon and heir, was born in 1665; and in 1688 was married to Mary youngeſt daughter of Sir Robert Patton of the city of London knight. He had iſſue only four daughters, who ſold the eſtate of Calgarth, and the ſame is now in the poſſeſſion of William

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Penny of Penny bridge eſquire during his life, and after his deceaſe to go to the male heirs of Miles Sandys of Graythwaite eſquire late deceaſed.

CALGARTH-HALL is a fair old building. Its ſituation is very pleaſant, being upon a level, within twelve ſcore yards of Windermere-water, on the eaſt ſide of the ſaid water.

In the hall windows Mr. Machel obſerved the following arms, ſome of which are yet remaining:

1. *Philipſon* (ſc. Gules, a cheveron between three boars heads couped Ermine tuſked Or); impaling, Azure, a cheveron between 10 cinquefoils, 4, 2, 1, 2, 1, Argent, charged with 3 mullets Gules, by the name of *Carus*.

2. *Philipſon* impaling *Laburne*, ſc. Azure, 6 lioncells rampant Argent.

3. Barry of ten, Or and Sable, a canton of the ſecond; by the name of *Briggs*.

4. *Philipſon* impaling *Wyvil*, ſc. Gules, 3 chevronells braced vaire; on a chief Or, a mullet pierced of 5 points Sable.

5. *Carus* impaling *Wyvil*; and alſo *Philipſon* ſingle.——Both of theſe alſo are in plaiſter-work over the hall chimney very compleat; and over Philipſon this motto, "Fide non Fraude."

Here was anciently a park: And in the 21 Hen. 6. the king granted to Walter Styrkland eſquire the office of keeper of the park of Calgarth for the term of his life; and a like grant was ſoon after made to Sir Thomas Styrkland knight his ſon. But it hath been long ſince diſparked.

The large lake called WINDERMERE-WATER is in this diviſion. The iſlands within it are all in Windermere pariſh. The rector hath for time immemorial had a pleaſure-boat upon it; and he hath a preſcription of ſo much a boat, in lieu of all the tithe fiſh that are caught in the lake.

This lake is from one to two miles broad, and extends with crooked banks for the ſpace of about 13 miles, but in a ſtreight line drawn from one end to the other perhaps not above 8 or 9 miles, being in ſome places of a wonderful depth, and of a clear pebbly bottom; breeding good ſtore of fiſh, as eels, trouts (both common and grey trouts), pikes, baſs or perch, ſkellies, and particularly char, which is a fiſh generally about nine inches long, the rareneſs of which fiſh occaſions many pots of chars to be ſent to London and other places yearly as preſents. There are three ſorts of chars; firſt, the male, being large, with a red belly, but the fiſh thereof ſomewhat white within, having a ſoft roe, and theſe are called milting chars; ſecondly, the female, being alſo large, with not ſo red a belly, but the fiſh thereof very red within, having its belly full of hard roes or ſpawn, called roneing chars; thirdly, the female being not ſo large, nor ſo red on the outſide, but the reddeſt within, having no roes in its belly, and theſe are called gelt chars *.

* Fleming.

Sir

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Sir Daniel Fleming ſays, there are no chars to be found ſave only in this lake and Coningſton water. Some other waters (he ſays) pretend to have chars in them, as Buttermere in Cumberland, and Ulleſwater (which is between Weſtmorland and Cumberland); but theſe are generally eſteemed by knowing perſons to be only caſe, a kind of fiſh ſomewhat like unto a char, but not near ſo valuable, but the owners of the fiſhery in Ulleſwater do not aſſent to this poſition.

The fiſhery in the lake is farmed by ſeveral perſons, who all together pay to the king's receiver for fiſhing 6*l* a year, or for the fiſhing and ferry together 6*l* 13*s* 8*d*. And ſo it deſcends to their executors or adminiſtrators.

The fiſhing is divided into three cables, as they call them: 1. The high cable, from the water head to the char bed, half a mile above Calgarth. 2. The middle cable, from thence to below the ferry. 3. The low cable, fron thence to Newby. And in each cable there are four fiſheries.

Out of this lake there yearly paſs up the river Routhey many very large trouts, and up the river Brathey great ſtore of caſe (which are like the char, but ſpawn at another ſeaſon of the year). And although theſe two rivers do run a good way together in one channel before they diſembogue into Windermere water, and are both very clear and bottomed alike, yet ſcarce ever any trouts are found in Brathey, or caſe in Rowthey. Some few ſalmon alſo, at the ſpawning ſeaſon, come from the ſea through the lake and up the river Rowthey, but none ever up Brathey.

Water fowl in great plenty reſort to this lake, eſpecially in winter; ſuch as wild ſwans, wild geeſe, duck, mallard, teal, widgeons, didappers, gravyes (which are larger than ducks, and build in hollow trees), and many others.

In this lake are ſeveral *iſlands*; the largeſt of which is now called *Longholme*, but anciently it was called *Wynandermere iſland*.

Amongſt the Eſcheats in the 21 Ed. 3. there is an order, that the wood in the *iſland of Wynandermere* called *Brendwood* (that is, fire-wood, from the Saxon *brenne*, to burn) ſhall not be ſeveral, but common to all the free tenants of Kirkby in Kendale, and of Stirkland, Croſthwaite, Croke, and others, as well to depaſture with all their cattle, as to take houſebote and heybote, at their will, without the view of the foreſters.

Unto whom this iſland was firſt granted in fee by the crown, we have not found. It belonged in after times to the *Philipſons* of Crooke; and was ſold by Frances daughter and ſole heir of Sir *Chriſtopher Philipſon* aforeſaid ſon of *Huddleſton Philipſon* to Mr. *Thomas Brathwaite* of Crooke, who ſold the ſame to one Mr. *Floyer*, who ſold to Mr. *Thomas Barlow*, whoſe brother and heir Mr. *Robert Barlow* ſold the ſame to the preſent owner *Thomas Engliſh* eſquire.

This iſland contains about 30 acres of ground, moſt of it arable; and had an handſome neat houſe in the middle of it called the Holme-houſe; which in the civil wars was beſieged by colonel Briggs for eight or ten days, until the ſiege of Carliſle being raiſed, Mr. Huddleſton Philipſon of Crooke to whom it belonged, haſtened from Carliſle and relieved his brother Robert in Holme-houſe. The next day, being Sunday, Mr. Robert Philipſon, with three or four more, rode to Kendal, to take revenge of ſome of the adverſe party there;

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there; paſſed the watch, and rode into the church, up one iſle and down another, in expectation to find one particular perſon there whom they were very deſirous to have met with (our author, Mr. Machel, who was a royaliſt, out of delicacy did not chuſe to name him, as he was then living, but probably it was colonel Briggs). But not finding him, Robert was unhorſed by the guards in his return, and his girths broken, but his companions relieved him by a deſperate charge; and clapping his ſaddle on without any girth, he vaulted into the ſaddle, killed a ſentinel, and galloped away, and returned to the iſland by two o'clock. Upon the occaſion of this and other like adventures, he obtained the appellation aforeſaid of Robin the Devil. He was killed at laſt in the Iriſh wars, at the battle of Waſhford.

Upon this iſland there is a remarkable echo; and for hearing the ſame in perfection, Mr. Barlow provided two ſmall cannon, on the exploſion whereof towards the rock on the weſt ſide of the water, there is firſt a burſt of the ſound upon the rock exactly ſimilar to the firſt exploſion by lightning, then after an intermiſſion of about three ſeconds a ſudden rattling of thunder to the left. And after another intermiſſion, when one imagines all to be over, a ſudden rumbling to the right, which paſſes along the rock and dies away not diſtinguiſhable from diſtant thunder.

St. Mary Holme, otherwiſe called *Lady Holme*, is another iſland in this lake, ſo denominated from a chapel built anciently therein, and dedicated to the bleſſed virgin.

By the inquiſition aforeſaid after the death of Joan de Coupland, the jurors find, that ſhe died ſeiſed of the advowſon of the chapel of St. Mary Holme within Wynandermere, which was valued at nothing, becauſe the land that had belonged to the ſame had of old time been ſeiſed into the lord's hand, and laid within the park of Calvgarth.

Amongſt the returns made by the commiſſioners to inquire of colleges, chapels, free chantries, and the like, in the reigns of king Henry the eighth and Edward the ſixth, there is the "Free chapel of Holme and Winandermere."

This iſland belonged to the Philipſons of Calgarth, and ſtill goes along with the Calgarth eſtate. There are no ruins of the chapel remaining. It is a very ſmall iſland. The chapel would cover near half of it. It is a rock, with ſome few ſhrubs growing upon it, in the middle of the lake, wonderfully adapted to contemplation and retirement.

There is another iſland, anciently called *Roger Holme*, which is of the Lumley fee; whereof William de Thweng died ſeiſed in the 14 Ed. 3. It was granted by king Henry the eighth, with the reſt of the Lumley fee, to Alan Bellingham eſquire; and now belongs (with the other Bellingham eſtates in Weſtmorland) to the preſent earl of Suffolk and Berkſhire.

About the year 1634, there were 47 perſons drowned in this lake in paſſing the ferry, coming homewards from Hawkſhead market, on a ſtorm ariſing.

III.

TROUTBECK.

TROUTBECK is bounded on the Eaſt by Kentmere, on the South by the mother church diviſion, on the Weſt by Ambleſide, and on the North by Patterdale in the pariſh of Barton.

It receives its name from the rivulet, which ſprings in the head of the dale, and running along the eaſt ſide of this diviſion, empties itſelf below Calgarth in Windermere water.

It is of the Richmond fee; and on the ſurvey made as aforeſaid of the Queen's lands in the 28 Cha. 2. there appeared to be 48 tenements, of the yearly rent of 27*l* 0*s* 10*d*.

There was here an *ancient park*, which was diſparked and divided amongſt the tenants. At which apportionment, they who had lands without wood were to have a ſhare (though in other men's allotment) where wood grew. Hence it is, that ſome tenants have dalts of wood in other men's grounds *.

The *new park* was granted by king Charles the firſt to Mr. Huddleſton Philipſon aforeſaid, for his good ſervice in the civil wars. And the ſame was afterwards confirmed by king Charles the ſecond to Chriſtopher Philipſon ſon of the ſaid Huddleſton, afterwards Sir Chriſtopher.

In Troutbeck there is a *chapel*, which was conſecrated by biſhop Downham in the year 1562, by the name of Jeſus Chapel, for the uſe of the inhabitants of Troutbeck and Applethwaite: With a ſaving (as is uſual in like caſes) of the rights of the mother church of St. Martin in Winandermere.

There was an ancient ſalary raiſed by the inhabitants at ſo much an houſe, which at preſent amounts to 4*l* 12*s* 3*d*; the reſt was paid out of a chapel ſtock, that is, a fund raiſed gradually by donations of the inhabitants or others, the produce of which was generally applied to the uſe of a ſchoolmaſter who ſhould teach their children, and read prayers to them on Sundays.

Out of this ſtock a ſchool-houſe was erected, nigh unto the chapel. And by licence of the biſhop in 1639, 5*l* a year of the produce of this ſtock was ſettled on the ſchool, to be enjoyed by the curate, if he ſhould chuſe to teach according to the canon; or if he ſhall refuſe, then to be given to whom the parſon and churchwardens ſhall nominate and the biſhop approve. Out of the aforeſaid ſtock, 3*l* 12*s* 6*d* yearly is now given to the curate; and 7*l* 7*s* 6*d* to a ſchoolmaſter.

In the year 1747, an allotment of 200*l* of queen Anne's bounty fell to this chapel; and in 1756, another allotment of 200*l*: with which ſum of 400*l* an eſtate was purchaſed in Dent, of the preſent clear yearly value of 13*l*. And in 1773, the counteſs dowager Gower gave 200*l*, and the governors of the ſaid bounty other 200*l*, wherewith an eſtate was purchaſed at Marthwaite Foot in the pariſh of Sedbergh, of the preſent yearly value of 14*l*.

* Machel.

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There is an hill in this townſhip called *Gallow How*; which ſeems to argue, that anciently the ſteward of the manor under the crown exerciſed a juriſdiction over capital offences.

At a place called *Spying How* in this conſtablewick, there was an heap of ſtones called the *Raiſe*, which the inhabitants took away to make their fences withal, and found therein a cheſt of four ſtones, one on each ſide, and one at each end, full of dead men's bones. There is another called *Woundale Raiſe*, a very large heap. They are ſuppoſed to have been Britiſh ſepulchres †.

IV.

AMBLESIDE.

AMBLESIDE, from the ſimilitude of the name, is ſuppoſed by Camden to have been the *Amboglana* in the Itinerary. But anciently it was written *Hamelſide*, which hath not ſo much reſemblance of the word *Amboglana*, but may ſeem rather to have been derived from the name of the owner. And Mr. Horſley makes it appear clearly, that the *Amboglana* of the Romans was Burdoſwald in Northumberland. That there has been a Roman ſtation here there is no doubt; and Mr. Horſley, from the diſtances, ſuppoſes it to be the *Dictis* in the *Notitia*. Sir Daniel Fleming, ſpeaking of it, ſays; at the upper corner of Windermere water, not far from the preſent town of Ambleſide, lies the carcaſe (as it were) of an ancient city, with large ruins of walls; and without the walls, the rubbiſh of old buildings in many places. Adjoining to which, and opening to the water, there hath been a fort, the dimenſions whereof are yet very diſtinguiſhable, being of an oblong figure, in length about 165 yards, and in breadth 100. It hath been fortified with a ditch and rampire. That it was a work of the Romans, the Britiſh bricks, the mortar tempered with ſmall pieces of bricks, the little urns, the glaſs vials, the Roman coins which have been often found there, the round ſtones like millſtones (of which ſoldered together they were wont to make pillars), and the paved ways leading to it, are undeniable teſtimonies.—And to this place Mr. Horſley ſuppoſes the military ways to have gone, which paſs by Pap-caſtle, and through Grayſtock park.

Ambleſide is all within the manor of Windermere, but only part of it within the pariſh. It is of the Richmond fee; and on the aforeſaid ſurvey in the 28 Cha. 2. it was found, that there were 43 tenements, yearly rent of 26*l* 17*s* 0*d*.

At Ambleſide there is a ſmall *market*, which is kept in that part which is in Windermere pariſh; the boundary being at a place called the Stock. All below the Stock is in the pariſh of Windermere; above the Stock, in the pariſh of Greſmere.

In the year 1650, the keepers of the liberty of England by authority of parliament, ſetting forth a writ of *ad quod damnum* iſſued, and an inquiſition

† Many of the particulars relating to this pariſh we have from Mr. Machel, who received the ſame from the reverend Mr. Wilſon then rector of Windermere.

and return made thereupon by Anne lady Clifford, counteſs of Dorſet, Pembroke, and Montgomery, ſheriffeſs of the county of Weſtmorland, do grant, that within the vill of Ambleſide in the county aforeſaid, there ſhall be a market weekly on Wedneſday, and two fairs yearly, on Wedneſday in Whitſunweek, and the 18th of October, with a court of pie-powder and other incidents thereunto.

And in the year 1688, July 25, king James the ſecond granted to Brathwaite Otway eſquire, Francis Topham eſquire, Reginald Brathwaite, George Mackerath, Thomas Mackerath, George Dixon, Matthew Mackerath, William Fiſher, and George Kelſick, their heirs and aſſigns, a market weekly at the vill of Ambleſide, at the place called the Stock, on Wedneſday; and two fairs yearly, one on the Wedneſday next after Whitſunday and the day next following, the other upon St. Luke's day and the day next following, unleſs St. Luke's day be Sunday, then to be on Monday and the day next following; and a fair every fortnight on Wedneſday, from the Whitſuntide fair to St. Luke's fair; with a court of pie-powder, to be holden before their ſteward; with reaſonable toll, tallage, piccage, fines, amercements, and other profits to the ſame appertaining, to the uſe and behoof of the poor inhabitants of the town of Ambleſide.

In that part which is in Greſmere pariſh, ſtands the *chapel*, endowed by the inhabitants, and made parochial by biſhop Pearſon in 1675. The ancient ſalary was about 14*l* a year (which is now reduced to 12*l* 4*s* 11*d*) which the inhabitants voluntarily charged upon their eſtates, by proper deeds for that purpoſe; which the ſaid biſhop ordered to be lodged in the hands of ſuch perſon and at ſuch place, as that the inhabitants and other perſons concerned may come at the ſame when required.

In 1726, 200*l* of queen Anne's bounty fell to this chapel by lot. And in 1746, Dr. Stratford's executors gave 100*l*, Sir William Fleming baronet 30*l*, unto which was added 40*l* 10*s* chapel ſtock, and 29*l* 10*s* given by Iſaac Knipe M. A. the preſent curate; wherewith another ſum of 200*l* was procured from the governors of the ſaid bounty. With which whole ſum of 600*l*, an eſtate was purchaſed in Grayrigg, of the preſent yearly value of 26*l*.

The curate, Mr. Machel ſays, is recommended by the majority of perſons paying the ſaid ſalary, and approved by the rector. But Sir Daniel Fleming, who was patron of the church of Greſmere, ſays, the curates of this chapel have been nominated by the patrons of the advowſon of Greſmere, in which pariſh it is ſeated. The truth is, theſe chapels originally by law were in the patronage of the incumbent of the mother church, unleſs it was otherwiſe ordered at the foundation and conſecration thereof. By the decreaſe in the value of money, the revenues became ſo inconſiderable, that the incumbents of the mother churches could not procure, or conſented that the inhabitants might procure, perſons able to officiate; until at length the inhabitants obtained a cuſtom againſt them; which cuſtom, in the eye of the law, having been for time immemorial, is valid and effectual. In the preſent caſe, the patrons of the mother church, by acquieſcence of their preſentees the rectors, ſeem to have obtained the like cuſtom.

In

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In the year 1723, John Kelſick of Ambleſide gentleman deviſed to John Mackereth yeoman, George Cumpſtone yeoman, and Tomas Knott clerk, all of Ambleſide aforeſaid, and to the ſurvivors and ſurvivor of them, their heirs and aſſigns for ever, all his lands at Ambleſide, in truſt, to ſell part thereof for payment of debts and legacies, and to let the reſt to farm, and with the profits and rents of the ſame to build a ſchool-houſe as near the chapel in Ambleſide as conveniently may be, and afterwards to pay the rents and profits to a ſchoolmaſter to be choſen by them the ſaid truſtees, and the ſurvivors and ſurvivor of them, their heirs or aſſigns, and the feoffees of the chapel ſalary for the time being, and their ſucceſſors or the major part of them.—The ſaid lands produce to the ſchoolmaſter at preſent about 40*l* a year.

In Ambleſide is the ancient houſe belonging to the family of the *Brathwaites* in this country, who poſſibly might have received their name from ſome *thwaite* or woody ground nigh the river Brathey.

There was a very ancient family of this name in Yorkſhire; but it doth not appear that theſe Brathwaites had, or claimed, any connexion with them. The firſt in their pedigree is,

I. RICHARD BRATHWAITE of Ambleſide; who married Anne daughter of William Sandys of Eaſt-thwaite in the county of Lancaſter, and had iſſue,

II. ROBERT BRATHWAITE of Ambleſide; who married Alice daughter of John Williamſon of Under-Skiddow in Cumberland. He purchaſed the manor of *Burneſhead*, which he gave to his eldeſt ſon Thomas, afterwards Sir Thomas; unto which place the ſaid Sir Thomas removed, and was founder of the families of that name both at *Burneſhead* and *Warcop*. Ambleſide he reſerved to his ſecond ſon, *viz.*

III. JAMES BRATHWAITE of Ambleſide; who married Joyce daughter of Bernard Benſon of Loughrigg, and by her had iſſue two ſons, *Thomas* and *Gawen*, and three daughters, *Dorothy*, *Iſabel*, and *Anne*, the ſecond of which daughters was married to Daniel Fleming of Skirwith eſquire.

IV. THOMAS BRATHWAITE of Ambleſide, ſon and heir of James. This Thomas in the laſt year of queen Elizabeth obtained a grant and confirmation of arms by William Segar, Norroy king of arms on the north of Trent; ſetting forth, "That whereas Thomas Brathwaite of Ambleſide, ſon of James, "ſon of Robert of the ſame place, who bore for their ancient ſeals of arms "(to very many old deeds before him the ſaid Norroy produced) a horn "within an eſcutcheon, having inſcriptions of their name thereabout, and not "knowing certainly what colour the ſaid horn or ſhield ſhould be, had re-"queſted him the ſaid Norroy as well to blazon and ſet forth the ſame in co-"lours, as to appoint him a creſt; therefore he the ſaid Norroy grants to him "for his coat of arms, Or, a horn Sable, with a banderick of the ſame: And "for his creſt, on a wreath of his colours a greyhound jacent Argent, collared "Sable, ſtudded Or."

It is remarkable, that this coat of arms is the ſame with that of the Brathwaites in Yorkſhire, which may ſeem to argue that the horn upon the ſeal came from that family, though theſe Weſtmorland Brathwaites at that time were

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were not aware of it. And Sir Thomas Brathwaite of Warcop, great uncle to this Thomas, twenty years before this, had a grant and confirmation of other arms, which the Brathwaites both of Warcop and Burneſhead always bore, and which the ſaid grant ſets forth to be the ancient arms of their family, *viz.* Gules, on a cheveron Argent, three croſs croſslets fitchee Sable.

It hath not appeared, whether this Thomas Brathwaite of Ambleſide was ever married: However, he died without iſſue, and was ſucceeded by his brother,

V. GAWEN BRATHWAITE of Ambleſide; who married Elizabeth daughter of Sir John Penruddock of Hale; and by her had iſſue, 1. *Thomas*, 2. *James*. 3. *John*, who married Elizabeth Hudſon, and by her had a daughter and heir Elizabeth married to Sir John Otway of Ingmire-hall knight. 4. *Robert*, who married Bridget daughter of Henry Fletcher of Moreſby in Cumberland, and by her had a daughter. 5. *William*, who married Elianor daughter of Edwin Nicolſon, and had iſſue Dorothy. 6. *Dorothy*, married to Samuel Sands of Eaſt-thwaite, and had iſſue five ſons and four daughters. 7. *Francis*. 8. *George*. 9. *Jane*, married to Edward Wilſon of Nether Levins. 10. *Catharine*. 11. *Edward*.

This *Gawen*'s will bears date in 1653, and by it we may perceive what was then the family eſtate. He therein deviſeth his lands at Brimham Park, Revyhill, Fellbeck, Bowler Shaw, North paſture houſes, and Warſell, in the county of York; his lands at Ambleſide, Clapperſgate, Greſmere, and Langdale, in Weſtmorland; at Lancaſter, Brathey, Freermoſs, and Parkamoor, in Lancaſhire; and a tenement and forge at Hockbert, and a finery hearth and forge at Conſey. He mentions lands that he had purchaſed for his ſon Robert at Hugill and Bayſebrowne. He gives therein 10*l* to the chapel ſtock of Ambleſide. Five pounds to be put forward ſo as the uſe of it yearly may go to the opening and cleanſing the watercourſes in the highway, eſpecially in Ambleſide town ſtreet. And he orders the bridge which he built at the Pull, to be repaired for ever by the owners of his tenements at Pullbeck and Brathey *.

VI. THOMAS BRATHWAITE of Ambleſide, ſon and heir of Gawen, married Margaret daughter of Piers Leigh of Lime. He had no child. His brother *James* alſo died without iſſue. His brother *John* died leaving a daughter *Elizabeth* as aforeſaid, unto whom the inheritance deſcended: She was married to Sir *John Otway*, and to him had iſſue a ſon *Brathwaite Otway* eſquire, and three daughters.

This *Thomas*, in the year 1670, conveyed by deed to his ſiſter Dorothy Sands, his lands at Ambleſide above the ſtock late purchaſed of Edward Foreſt, alſo a paſture ground called Scandal-cloſe, and divers parcels late purchaſed of Hugh Jackſon; upon truſt, if Brathwaite Otway of Ingmire eſquire pay to her 300*l*, then ſhe to convey to him; which if ſhe ſhould refuſe, then the ſaid lands to be ſold to raiſe the ſaid 300*l*; to be diſpoſed of as follows: 50*l* thereof, to the uſe of eight or ten of the pooreſt houſeholders born in Ambleſide, not being cuſtomary tenants; to be put out by the overſeers of the poor, with the advice and aſſiſtance of the rectors of Greſmere and Windermere;

* Flem.

and

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and the intereſt to be paid to the ſaid poor houſeholders on the 24th day of December yearly: 100*l* thereof to go in temporary charities: and the remaining 150*l* to the uſes of his will.

In the year following, *viz.* in 1671, he conveyed to his ſaid ſiſter certain other parts of his eſtate at Ambleſide, in truſt, that if the ſaid Brathwaite Otway ſhould pay to her 1000*l*, then ſhe to convey the ſame to him; if he ſhould refuſe to pay the ſame, then the ſaid lands to be ſold to raiſe the ſaid ſum of 1000*l*, to be applied to the uſes of his laſt will and teſtament.

And by his will bearing date in the year 1674, he deviſeth his lands at Low Wray in Furneſs Fells, and at Pulbeck and Brathey in the bailiwick of Hawkſhead, to his brother Robert, in truſt, that if his niece the lady Elizabeth Otway pay to the ſaid Robert 700*l*, then Robert to convey to her; if not, then the ſaid lands to go to Robert and his heirs charged with the ſaid 700*l*; of which, 250*l* to go towards the maintenance of two ſcholars at St. John's college in Cambridge, going from the ſchools of Kendal and Hawkſhead, and for want of ſuch, then to any others going out of either of the ſaid counties.—Amongſt other bequeſts in the ſaid will, he gives to the chapel ſtock of Ambleſide 10*l*, and other 10*l* for buying two ſilver chalices; and 10*l* to the mayor and aldermen of Kendal to be laid out for a piece of plate for the uſe of their corporation *.

The lady Otway and her ſon Brathwaite Otway eſquire refuſed to pay the aforeſaid ſeveral ſums, amounting in the whole to 2000*l*; inſiſting upon a marriage ſettlement, whereby the ſaid Thomas Brathwaite covenanted that the lands ſhould deſcend to the ſaid lady Otway, chargeable with 500*l* and no more. The matter was brought into the court of Chancery; and the allegation on the other hand was, the inſufficiency of the ſuppoſed ſettlement in point of form, and particularly as it was only by deed-poll. But by the court it was decreed, in the 31 Cha. 2. that the ſaid agreement, though by deed-poll only, ſhould bind the lands; and the heir at law recovered the ſame chargeable only with 500*l* †.—The conſequence of which would be, that the firſt charge of 300*l* by the deed in 1670 would be good; and the lands being ſold to raiſe that ſum, it was decreed on a commiſſion of charitable uſes at Kendal, Feb. 8, 1679, that the lands ſhould ſtand chargeable with the ſame in the hands of the vendee, being a purchaſer with notice ‡. The ſecond charge of 1000*l*, by the deed in 1671, would be good only as to 200*l* thereof, to the uſes of the will. And the charge of 700*l* upon the lands in the will would be alſo void.

During the courſe of this conteſt, the ſtatute of frauds and perjuries was made (in the 29 Cha. 2.) in order to a more perfect declaration what contracts of the like kind ſhould be valid, and what not: and it is ſaid, that the circumſtances of this particular caſe gave riſe to that act.

Thomas Brathwaite ſon of James aforeſaid made a conſiderable collection of ancient coins; which upon his death came to *Gawen* his brother, who added

* Flem. † Finch. Reports, 405. ‡ Flem.

many

many more unto them; and after his death, the ſame coming to this laſt *Thomas* of whom we have been now ſpeaking, he increaſed the ſame to the number of 322, and gave them in the year 1674 to the univerſity of Oxford; being 6 of gold, 66 of ſilver, and 250 of braſs and copper; moſt of them being coins of the Roman emperors.

In the year 1658, Feb. 25, Robert Jackſon of Kendal, mercer, deviſed his lands at Ambleſide (the ſeigniory or lord's right whereof, as the will ſets forth, he had lately purchaſed of John Archer eſquire) to his eldeſt daughter Jane and the heirs of her body; in defect thereof, to his younger daughter Grace and the heirs of her body; remainder to two collateral relations and the heirs male of their bodies reſpectively; remainder to his own right heirs. And out of the ſame he deviſeth 3 *l* a year to be paid by his heir either lineal or collateral, to the churchwardens and overſeers of the poor of Ambleſide, and they to diſtribute out of the ſame every lord's day at Ambleſide chapel 1 *s* in bread to the poor people of Ambleſide, and the remaining 8 *s* they ſhall have for their pains. And if the heirs of the bodies of his two daughters ſhall fail, then he gives 5 *l* a year out of the premiſſes to a preaching miniſter at Ambleſide for ever. And he gives 5 *l* out of his perſonalty towards the repairing of the fleſh-houſe or weighing-houſe in the market place at Ambleſide; and makes his wife executrix.

Grace the younger daughter died without iſſue. Jane the elder was married to Lionel Topham eſquire. On a commiſſion of charitable uſes at Kendale in the year 1680, Lionel Topham and his wife, and alſo the widow who was executrix, appeared before the commiſſioners; and Mr. Topham alledged, that the lands were cuſtomary, commonly called tenantright, and were held of his late majeſty of bleſſed memory king Charles the firſt, according to the confirmed cuſtom of the manor of Windermere, under the payment of 26 *s* 8 *d* yearly finable rent, 8 *d* wood rent, and 8 *s* briggegraſſe rent, with a fine certain of 33 *s* 4 *d* upon the death or alienation of the tenant: And that the ſaid John Archer, who in the time of the late rebellion claimed by purchaſe under the then uſurpers, and before the making of the will, did under colour of the ſaid title ſell the ſame to the ſaid Robert Jackſon. The commiſſioners (*viz.* Chriſtopher Redman eſquire mayor of Kendal, Sir John Otway knight, Daniel Fleming and Edward Wilſon eſquires, and Michael Stanford clerk vicar of Kendal) upon full hearing, and proof being made before them, that the premiſſes were of the clear yearly value of 30 *l* and upwards, and that the premiſſes are by the cuſtom of the ſaid manor [excluſive of the ſaid pretended infranchiſement] deviſable by will, and being of opinion that the ſame is a good gift, limitation, appointment, and aſſignment of the ſaid ſums of money to the charitable uſes aforeſaid, do decree the ſaid ſum of 3 *l* to be paid yearly to the poor as aforeſaid, and 54 *l* arrears thereof then run to be laid out by the churchwardens and overſeers upon ſecurity, and the intereſt thereof to be diſtributed in bread every lord's day proportionably at Ambleſide chapel, to the poor people of Ambleſide for ever. And they do decree the ſaid 5 *l* out of the perſonalty, together with 6 *l* 6 *s* being the arrears thereof then run, to be

paid by the executrix, to the uſe and repair of the fleſh-houſe or weighing-loft aforeſaid, according to the direction of the ſaid will. And the 5*l* a year to the curate of the chapel, to await the event of the failure of iſſue of the body of Jane aforeſaid ‡.

Mr. George Mackereth gave 100*l*, the intereſt whereof is to be laid out on the feaſt of St. Martin yearly in cloaths for the poor of Ambleſide.

At a place called *Borrans* in this lordſhip, there was a ſquare fort called Borrans Ring, ſurrounded with a bulwark and trench. The inner part of the ſquare had been walled about, and buildings in the midſt; amongſt the ruins of which much hewn ſtone hath been found, and divers of the aforeſaid coins which Mr. Thomas Brathwaite gave to the univerſity *.

PARISH OF HEVERSHAM.

THIS is one of thoſe places in Weſtmorland which is mentioned in Domeſday, and therein is written *Eureſhaim*; probably from the name of the owner, *Eure* being a name not yet out of uſe.

This pariſh is bounded on the eaſt by Preſton Patrick in the pariſh of Burton, divided from it by Betha, otherwiſe Hutton Beck or Lilly Beck; on the South, by the pariſh of Betham; on the Weſt, by the chapelry of Witherſlack in the ſaid pariſh of Betham; and on the North, by Cartmell Fells, being divided therefrom by the river Winſter.

About 200 yards north-weſt from the church, there is a well which bears the name of St. *Mary*'s well; from whence it hath been conjectured that the church was dedicated to that Saint.

It is a vicarage, valued in the king's books at 36*l* 13*s* 4*d*. The advowſon whereof belongs to Trinity college in Cambridge.

This church, amongſt many others in this county, was granted by Ivo de Talebois, firſt baron of Kendal after the conqueſt, to the abbey of St. Mary's York; and afterwards confirmed to the ſaid abbey, by the name of the church of *Everſheim*, by Gilbert ſon of Roger Fitz Reinfred †.

And in the year 1459, it was appropriated to the ſaid Abbey by William Boothe archbiſhop of York, reſerving out of the fruits thereof a competent

‡ Flem.

This event hath not yet happened, but in all probability will happen on the death of the preſent counteſs of Litchfield. The ſaid Lionel Topham and Jane his wife had iſſue Francis, Lionel, Robert, Jane, and Dinah. The four firſt named died without iſſue. Dinah was married to Sir Thomas Frankland baronet, and had iſſue Elizabeth and Dinah. Elizabeth died without iſſue, and Dinah her ſiſter (the only ſurviving deſcendent of Jane Jackſon) was married many years ago to George-Henry earl of Litchfield, and hath no iſſue. (From an account of the late Dr. Topham, judge of the prerogative court at York, who was ſon of Edward the younger brother of Lionel huſband of the ſaid Jane).

* Machel. † Regiſtr. Wetheral.

portion for a vicar; and alſo in conſideration of the repairs of the cathedral church of York, reſerving to himſelf a penſion annually of 3*s* 4*d*, to the dean and chapter 3*s* 4*d*, to the archdeacon of Richmond 5*s*, and to the poor of the ſaid pariſh 3*s* 4*d*.—And in the next year he ſet out the portion of the vicar by a ſpecial endowment as followeth; *viz.* That there ſhall be in the ſaid church a perpetual vicar, preſentable by the ſaid abbot and convent, who ſhall have for his portion 20*l* a year, with a manſe and garden. For which ſaid ſum of 20*l*, he ſhall have aſſigned to him, out of the fruits of the church, the annual ſum of the third part of the mill of Milnthorp anciently belonging to the ſaid church, alſo the tithes of the demeſne lands of the ſame, and the quadrageſimal tithes of all the pariſhioners, and the tithes of lambs, and wool, and hay of the whole pariſh, and all ſorts of tithes of fiſhings, mills, foals, calves, pigs, brood geeſe, hens, ducks, bees, eggs, pigeons, lint, hemp, leeks, onions, and garden fruits of the whole pariſh, with all other ſmall tithes of the ſame, and mortuaries as well quick as dead, and all other kinds of oblations made within the pariſh church or elſewhere. For which the ſaid vicar ſhall find bread, wine, and wax, in the ſaid church for ever, and ſhall pay yearly to the abbot and convent 106*s* 8*d* out of his part of the fruits of the church, and ſhall repair the chancel of the ſaid church, and bear all archiepiſcopal and archidiaconal charges, and other charges ordinary and extraordinary.

After the diſſolution of the monaſteries, queen Mary in the firſt year of her reign granted the rectory and advowſon of this church to the ſaid college, with other poſſeſſions in Weſtmorland, in exchange for the church of Wymeſwold in Leiceſterſhire, late belonging to the monaſtery of Beaucliff in the county of Derby *. (Except the corn tithes of Croſthwaite, which king Edward the ſixth in the third year of his reign had granted to John Southcoat and Henry Cheverton.)

The fabric of the CHURCH is not ancient; for the old church was burned down by accident in the year 1601, whereby all the monuments, ſeats, bells, organ, and other ornaments were utterly deſtroyed. It was ſoon after rebuilt (at the expence of the pariſhioners), and reſtored to its priſtine ſtate; as appears by certificate entered in the pariſh book, as follows: "Memorandum, "That upon Sunday, commonly called Low Sunday, being the 15th day of "April 1610, the right worſhipful Sir Thomas Strickland and Sir James Bel- "lingham knights, according to a certain agreement ſet down between the "inhabitants of Croſthwaite and Lithe on the one part, and the churchwar- "dens of Heverſham pariſh on the other part did ſurvey and view the pariſh "church of Heverſham, which was newly repaired and re-edified: And "upon their ſight and view, they found the ſame church to be very ſufficient, "and in as good eſtate as the ſame was before the ruinous decay, to their "knowledge."

Since the ſaid fire, the bells have been caſt at different times. The third bell has an inſcription in 1605.

Me pulſante, preces O vos effundite gentes,
Et laudes noſtro pſallite voſque Deo.

* Dugd. MS.

The firſt or largeſt bell was caſt in 1662, with this inſcription:

Dulcedine vocis cantabo tuo nomine.

The ſecond bell bears date in 1669, and is thus inſcribed:

When I do ceaſe,
Remain in peace.

In 1609, they had a new organ, which was made at York; the whole expence whereof amounted to 29*l* 10*s* 5*d*. Which, amongſt others of the ſame kind in other places, was probably demoliſhed in the civil wars; for the preſbyterian party profeſſed open hoſtility againſt organs equally as againſt monarchy.

In the ſouth wall of the church, a few yards eaſt from the porch, is an arch juſt appearing with its top above the ſurface of the ground on the outſide; which, on new ſeating the church a few years ago, appeared on the inſide at large; and under it were ſeveral human bones. For under theſe arches in ancient time were interred ſome of the principal perſons, as the lord of the manor, the patron of the church, or the incumbent. And from the arch having ſunk ſo deep, or rather the ground being raiſed on the outſide, it ſeemeth that the church was not totally rebuilt, but raiſed on the old foundation.

Between two arches in the north ile of the chancel, belonging heretofore to the Bellinghams, and now to the earl of Suffolk and Berkſhire, is an elegant monument with the following inſcription;

M. S.

Here lyeth the body of the Lady Dorothie Bellingham, daughter to Sir Francis Boynton of Barmſton in the county of Yorke knight, and wife to Sir Henry Bellingham of Helſington in the county of Weſtmorland knight and baronett. Shee dyed the 23 of January 1626. Ætate ſua 32.

Thriſe ſixe yeares told brought up by parents deare,
Duely by them inſtructed in God's fear;
Twice ſeaven yeares more I liv'd to one betroth,
Whoſe meanes yea life were comon to us both.
Seaven children in that ſpace to him I browght,
By nature perfect, and of hopeful growght.
His parents unto mee deare as myne owne,
Theire loves were ſuch as to the world's well knowne.
But ere that one yeare more her courſe had runne,
God in his mercie unto me hath ſhowne,
That all theiſe earthly comforts are but toyes,
Being compar'd with thoſe celeſtiall joyes,
Which thro' the blood of Chriſt are kept in ſtore
For thoſe in whom his word has rul'd before.
To labour borne I bore, and by that forme
I bore to earth, to earth I ſtraight was borne.

In the year 1765, Sir Griffith Boynton of Burton Agnes in the county of York baronet, lineally deſcended from the ſaid Sir Francis, repaired and beautified the ſaid monument.

In

In this ile the Bellingham arms are cut in ſtone, with the year 1602 (which ſeems to have been done at the rebuilding of the church).

In the ſouth ile of the chancel, belonging now to Daniel Wilſon of Dallam-Tower eſquire, but formerly to the Preſton family, is the pew of Sir Thomas Preſton, with his arms cut in wood in the ſame year 1602. In the middle of which pew, raiſed about half a yard from the floor, on a plain black marble is this inſcription:

Hic jacet Domina Maria Preſton,
Filia
Illuſtriſſimi Domini Carilli Molineux
Vicecomitis de Maryborough;
Conjux
Nobiliſſimi Domini Thomæ Preſton
Baronetti. Quæ obiit
Die VI Julii
Anno Domini MDCLXXIII.

In the eaſt window of this ſouth ile are the arms of Buſkell, with the year 1601. And underneath is part of the name yet remaining of Richard Buſkell.

In this ſame ile lies interred the body of Mrs. Crowle of Froyſton in the county of York, great grandmother of the preſent Daniel Wilſon of Dallam-Tower eſquire; over whom is raiſed an handſome monument of free-ſtone, but without an inſcription.

In the north ile, affixed to the wall, nigh the little door, is a ſmall marble monument in memory of the reverend and learned Mr. Thomas Watſon a celebrated ſchoolmaſter of Heverſham, with this modeſt inſcription:

Juxta hoc marmor
S. E.
Rev^dus Thomas Watſon,
Annos prope quinquaginta ludimagiſter
Haud inutilis,
Obiit Nov. 22. { Ætat. 81. / Salut. 1753.

In the ſouth ile, adjoining to the chancel, is an inſcription in memory of Mary wife of Richard Chamber, who died in the year 1684. Which Richard was father of Ephraim Chamber, author of the celebrated Dictionary of Arts and Sciences.

In 1761, was erected by John Maychel and Edward Johnſon eſquires, Richard Crampton, John Dickinſon, John Preſton, and Joſeph Backhouſe, gentlemen, a new and handſome gallery, adjoining to the belfrey, containing ten ſeats or pews, ſufficient to hold about 60 perſons.

Vicars, ſince the burning of the church, have been as follows:

Mr. *Whitmell* probably was vicar when the church was burned; for in 1605, a legacy given by him was paid for whitening the chancel.

Mr. *Calvert*, in 1617.
Mr. *Bigge*, 1638.
Mr. *Cole*, 1645.
Mr. *Tatham*, 1654.
Mr. *Wallace*, 1658.
Mr. *Bigge* reſtored, 1663.
Mr. *Milner*, 1678.
Mr. *Ridley*, 1686.
Mr. *Farmer*, 1692.
Mr. *Williams*, 1723.
Mr. *Murgatroyd*, 1727.
Mr. *Smyth*, 1733.
Mr. *Wilſon*, the preſent very learned and worthy vicar, in 1757. To whom our acknowledgments are due, for many of the particulars relating to this church and pariſh.

About 200 yards from the church towards the north-eaſt ſtands the SCHOOL, which was built at the coſt of Mr. Edward Wilſon of Nether Levins in the year 1613, and endowed by him with ſeveral burgage meſſuages and tenements in Kendal, 26 in number, of the then yearly value of 21*l* 3*s* 10*d*; together with a yearly rent-charge of 3*l* iſſuing out of a field in Strickland Ketel called Dawſon's Cloſe.

The ſaid Edward Wilſon, by his will in 1652, gave to his kinſman Thomas Wilſon of Heverſham-hall the rectory of Tunſtal, and capital meſſuage and tenement at Sellet, to hold to him the ſaid Thomas, and to Edward his eldeſt ſon, and every other ſon ſucceſſively in tail male: and charged upon the tithes of Lecke, parcel of the ſaid rectory, two penſions of 6*l* 13*s* 4*d* each, to two colleges, *viz.* Queen's college in Oxford and Trinity college in Cambridge, for the maintenance of two poor ſcholars, in each college one, who ſhall be taught at and ſent to the univerſity from Heverſham ſchool, to be nominated by the ſaid Thomas Wilſon and the heirs male of his body, and in their default, by the ſeveral colleges, for four years and no longer, unleſs for want of other ſcholars properly qualified, and in ſuch caſe they may hold the ſame two years longer; and if none be qualified, then the ſame to go to poor ſcholars at the ſchool till fit to be ſent. He charges alſo upon the ſame the ſum of 10*l* yearly, to the poor, lame, and impotent people of the pariſh of Heverſham, dwelling on the eaſt ſide of the moſs lying between Sinderbarrow and Croſthwaite and Lyth.—Which ſaid ſums having been neglected to be paid for ſeveral years, a commiſſion of charitable uſes was iſſued out of the Dutchy court of Lancaſter in the 24 Cha. 2. Whereupon the ſame were decreed to be paid, together with 500*l* arrears and intereſt, to be employed as by the direction of the ſaid will*. Which ſaid exhibitions now amount to about 20*l*. a year each; and the annuity to the poor of 30*l* a year.

There is alſo an exhibition of 20*l* a year from this ſchool to Magdalene college in Cambridge, called Milner's exhibition; to be held four years. The ſcholar intitled is to enter penſioner.

* Flem.

There

There are alſo two ſmall exhibitions of about 4*l* a year each, called Rigg's exhibitions, to Queen's college in Oxford, in the diſpoſal of the college.

This ſchool alſo is intitled to ſend a ſcholar to be examined for one of the exhibitions of the lady Elizabeth Haſtings to Queen's college in Oxford aforeſaid: which will be treated of more at large when we come to Appleby in this county.

The ſeveral manors, or other diviſions, in this pariſh are as follows:

I.

MANOR OF HEVERSHAM.

This manor, or part thereof, in the time of William the Conqueror, belonged (together with many others) to *Toſti* earl of *Northumberland*; and at the time of Domeſday ſurvey in that king's reign, in order to a taxation, it belonged to *Roger of Poictou* *.

Afterwards it appears to have been in the hands of the barons of Kendal. For *William de Lancaſtre* the firſt of that name, baron of Kendal, gave with his daughter *Agnes* in frank marriage to *Alexander de Windeſore* ſon and heir of *William de Windeſore* the manors of Heverſham, Grayrigg, and Morland. Which *Alexander*, in the 8 Ed. 1. obtained a grant of a market and fair at Heverſham; which are now, and all along ſeem to have been held at Milthorp: for Milthorp ſeems originally to have been parcel only of the manor of Heverſham.

This *Alexander de Windeſore* had a ſon *William*, who had a ſon *Alexander*, who had a ſon *William*, who after the death of Joan de Coupland in the 49 Ed. 3. was found by inquiſition to have held of the ſaid Joan, on the day on which ſhe died, the manors of Heverſham, Grayrigg, and Morland.

This laſt *William de Windeſore* had iſſue only a daughter *Margery*, married to *John Ducket* of a Lincolnſhire family, which firſt brought the name and family of *Ducket* into Weſtmorland, which continued at Grayrigg for many generations; but the manor of Heverſham did not go to the *Duckets*, or did not continue long in their poſſeſſion; for it appears afterwards, or a great part thereof, to have belonged to the abbey of St. Mary's York.——The Stricklands alſo of Sizergh had ſome lands here; for in the 35 Ed. 1. Walter de Stirkland obtained a grant of free warren in his lands in Heverſham, Helſington, and Barton.

After the diſſolution of the monaſteries, king Philip and queen Mary, in the 4th and 5th years of their reign, granted the manor of Everſham to *Edmund Moyſes*, *Richard Foſter*, and *Richard Bowſkell*; and *Bowſkell*'s ſhare, by

* In Biedun habuit comes Toſti 6 carucatas terræ ad geldum: Nunc habet Rogerus Pictavienſis et Eruvin preſbyter ſub eo. In Jalant 4 carucatas. Fareltun 4 carucatas. Preſtun 3 carucatas. Berewic 2 carucatas. Hennecaſtre 2 carucatas. Eureſhaim 2 carucatas. Leſuenes 2 carucatas. *Domeſd.*

an

an inquiſition in the 13 Eliz. is thus deſcribed; viz. *Richard Bowſkell* held of the queen *in capite* one capital meſſuage of the manor of Everſham, with 6 cottages, 72 acres of land, and all the works of the tenants of the ſaid manor called *bond days*, if any there be of right accuſtomed to the ſaid capital meſſuage appertaining. Which ſaid capital meſſuage and other the premiſſes were aſſigned to the ſaid *Richard Bowſkell* and his heirs, in full recompence of the whole part and portion which he or his heirs might claim of the ſaid manor of Everſham by the releaſe of *Edmund Moyſes* and *Richard Foſter*. And the jurors further find, that the ſaid *Richard Foſter* releaſed to the ſaid *Edmund Moyſes* all his right in the reſidue of the ſaid manor: And that the ſaid *Edmund Moyſes* ſold the whole reſidue of the ſaid manor to the ſaid *Richard Bowſkell*; except one tenement ſold by them the ſaid *Edmund Moyſes* and *Richard Foſter* in Rowel to *Gabriel Croft*, another in Leeſgill ſold by them to *Thomas Smith*, one in Woodhouſe to *John Preſton* eſquire, one in Aughtinwhaite to *Walter Strickland* eſquire, one in Milnethorp then in the tenure of *Thomas Moyſes* brother of the ſaid *Edmund*, and one in Rowel late in the tenure of *Edmund Mocre*; and alſo ſeveral other tenements granted ſeverally to *William Wilſon*, *Chriſtopher Holme*, *John Jackſon*, *Henry Holme*, *John Holme*, *John Atkinſon*, *Thomas Holme*, *Chriſtopher Wilſon*, *Walter Parke*, *Robert Wilſon*, and *William Benſon*, parcel of the premiſſes in Everſham, Milnethorp, Aughtinwhaite, Rowel, and Woodhouſe.

This is that *Richard Buſkel* whoſe arms are put up in one of the church windows above mentioned. He was ſecond ſon of *Buſkell* of Milnhouſe in the pariſh of Kirkby Lonſdale; and, by his wife Catherine Bindloſs, had iſſue *Thomas*, *Robert*, and *James*, and four daughters, one of whom was married to Rigg of Strickland.

By indenture tripartite, Aug. 8. in the 24 Eliz. between *Richard Buſkell* of Heverſham gentleman of the firſt part, *Jaſper Cholmlay* of Highgate in Middleſex eſquire of the ſecond part, and *Thomas Buſkell* of Gray's Inn ſon and heir apparent of the ſaid *Richard* of the third part, he the ſaid *Richard Buſkell*, in conſideration of a marriage to be had between the ſaid *Thomas Buſkell* and *Frances* one of the daughters of the ſaid *Jaſper Cholmlay*, ſettles the manor of Heverſham on the iſſue of that marriage *.

The ſaid *Thomas Buſkell* died before his father, having had iſſue, by his ſaid wife Frances Cholmlay, 1. *Jaſper*. 2. *John*, who died unmarried. 3. *Ralph*, who had iſſue Margaret, Anne, Thomas, and Jaſper. 4. *Thomas*, who died unmarried.

Richard the father died in the 44 Eliz. as appears by inquiſition taken at Kendal in that year, before Thomas Strickland and Thomas Brathwaite eſquires, Thomas Atkinſon eſquire feodary of our lady the queen in the county of Weſtmorland, and William Hutton gentleman, commiſſioners in the nature of a writ of *Diem clauſit extremum* to inquire after the death of *Richard Buſkell* gentleman lately deceaſed; whereby it is found, that the ſaid *Richard Buſkell* long before his death was ſeiſed in his demeſne as of fee of and in the manor of Everſham with the appurtenances, one capital meſſuage called Ever-

* Rawlinſon.

ſham-

ſham-hall, 6 cottages, 72 acres of land, and of and in one burgage or meſſuage in Kendal; that on the marriage of his ſon *Thomas*, he ſettled the ſame upon the iſſue of that marriage; that the ſaid Thomas died before his father; and that *Jaſper*, ſon of the ſaid Thomas, is heir to the ſaid *Richard*, and is of the age of 15 years and 2 months †.

This *Jaſper Buſkell* in the 11 Jac. ſold Heverſham-hall and the demeſne, with all that the manor of Heverſham with the appurtenances, to Edward Wilſon of Nether Levins gentleman, whoſe deſcendent Daniel Wilſon eſquire now enjoys the ſame.—The ſaid *Jaſper* was counſellor at law, and died unmarried.

But notwithſtanding the aforeſaid inquiſitions, the whole manor of Heverſham did not go in the manner above ſpecified. For the inquiſitions *poſt mortem*, or other like evidences, did not uſually with minute exactneſs diſtinguiſh particular ſhares or portions, but oftentimes expreſſed the whole inſtead of ſome particular part. And we find ſeveral parts of the manor of Heverſham at large (including Milnthorp, Aughtinwhaite, Rowel, and Woodhouſe) to have been in other hands.

In the 25 Eliz. Sir Thomas Cecil knight (probably one of the purchaſers from the crown) and Dorothy his wife conveyed by fine to Thomas Bradley eſquire the manor of Everſham and Milnethorpe, with 100 meſſuages, 20 tofts, one mill, 100 gardens, 1000 acres of land, 600 acres of meadow, 1000 acres of paſture, 100 acres of wood, 600 acres of heath and furze, 200 acres of turbary, 20*s* rent, and one fair and market; to hold of the queen *in capite*. Which Thomas Rradley died in the 29 Eliz. his ſon and heir William Bradley being then 13 years of age.

Jaſper Buſkell aforeſaid, beſides what he ſold to Edward Wilſon, ſold a part of the ſaid manor to Sir *James Bellingham* of Upper Levins, the laſt of whoſe name there ſold the ſame to colonel *James Grahme* anceſtor of the preſent owner *Henry* earl of *Suffolk* and *Berkſhire*.

Robert Gibſon of Atkenthwaite, by his will in 1701, gave 40*s* yearly out of certain tithes in Stainton and other places, for putting out ſuch poor children apprentices to trades, as ſhall be born within the towns, hamlets, and precincts of Heverſham, Milnthorp, Atkenthwaite, Rowell, and Woodhouſe.

II.

MILTHORP.

The name of Milthorp ſhews the antiquity of a mill there. In Mr. Machel's time, about 80 years ago, there was a paper mill a little above the bridge; and before that, at the ſame place was an iron forge. There are now two paper-mills at this place.—It is a market town, having a market weekly on Friday, and a fair yearly on Old May-day.

† Rawlinſon.

The river Betha, coming from Betham, runs by this place; over which there is a good ſtone bridge: Which river makes this to be a convenient little port, being the only ſea-port in the county.

III.

HINCASTRE.

Within this pariſh is the village of HINCASTRE, called in Domeſday-book *Hennecaſtre*; which name ſeems to import that a caſtle hath been anciently there; for *hene* ſignifies old, and *caſtre* a caſtle. But as there is no tradition, nor any remains or appearance of there ever having been a caſtle at this place, perhaps it may have received its denomination from ſome ancient *camp* there (which the word *caſtre* doth alſo denote).

King Richard the firſt granted to Gilbert ſon of Roger Fitz-Reinfred and his heirs, one carucate of land in *Henecaſtre*, to hold of the king by knights ſervice.

In the reign of king Edward the firſt, there was one *Adam de Henecaſtre*, who had a daughter *Avicia* married to Sir Thomas de Hellebeck, and brought with her divers lands into the Helbeck family. She ſeems to have been an heireſs; for after this, we find no more of the name *de Henecaſtre*.

IV.

LEVINS.

LEVINS, in Domeſday *Lefuenes*, at the time of the conqueſt or ſoon after was part of the poſſeſſions of *Toſti* earl of Northumberland; and, at the time of Domeſday ſurvey, belonged to *Roger of Poictou*. In the reign of king Henry the ſecond, we find the ſame in the poſſeſſion of *Ketel* ſon of *Uchtred*, which *Uchtred* poſſibly might be deſcended from the ſaid *Roger*. This *Uchtred* had large poſſeſſions in this part of the county. That which was afterwards called *Preſton Richard*, was at this time called *Preſton Uchtred*. *Ketel* ſon of this *Uchtred*, in the 34 Hen. 2. ſold a moiety of *Levins* to *Henry* ſon of *Norman de Redeman*, as appears from a fine paſſed in that year *.

And from that time *Levins* hath continued divided, the one part called *Upper* or *Over Levins*, the other part *Under* or *Nether Levins*.

We will begin with

* Henricus filius Normanni de Redeman debet unam marcam; ut finis, factus inter eum et Ketellum filium Uchtredi de terra de Levenes, recordetur in curia regis, de dominatione illius terræ, quam Ketellus conceſſit Henrico et hæredibus ſuis. Cujus medietatem Henricus tenebit in dominico ſuo; et Ketellus tenebit aliam medietatem de Henrico, per idem ſervicium quod Henricus inde facit capitali domino. *(Dugd. MS.)*

UPPER

UPPER OR OVER LEVINS.

This being granted as aforeſaid to *Henry* ſon of *Norman de Redeman*, the name and family of *Redeman* continued there for many generations, and had large poſſeſſions as well at *Levins* as in other parts of the county.

The *Redemans* that we meet with, were probably not all of Levins: But this was the place where the principal family reſided.

In the 13th year of king John, *Henry de Redeman* (probably the ſame *Henry* ſon of *Norman* aforeſaid) ſeneſchal of Kendal, was witneſs to Robert de Veteripont's grant to Shap abbey.

In the 17th year of the ſame king, *Benedict* ſon and heir of *Henry de Redeman* was one of the hoſtages for the future fidelity to that king of Gilbert ſon of Roger Fitz-Reinfred.

In the reign of king Henry the third, *Matthew de Redeman*, ſeneſchal of Kendal, was witneſs to a confirmation of a grant of lands at Preſton, Holme, and Hutton, by William de Lancaſtre the third to Patric ſon of Thomas ſon of Goſpatric. He was alſo a witneſs to the grant of Skelſmergh by the ſaid William to Robert de Leyburne.

In the 25 Ed. 1. *Matthew de Redeman* was witneſs to a grant of lands at Old Hutton and Holme-Scales by John de Culwen to Patric de Culwen his brother.

In the 7 Ed. 2. *Matthew de Redman* was repreſentative in parliament for the county of Weſtmorland.

In the 17 Ed. 2. *Matthew de Redman* was one of the jurors on the inquiſition *poſt mortem* of Ingelram de Gynes.

In the 18 Ed. 3. *Matthew de Redmane* was a juror on the inquiſition *poſt mortem* of Robert de Clifford.

In the 31 Ed. 3. *Matthew de Redeman* repreſented the county of Weſtmorland in parliament.

In the 49 Ed. 3. after the death of Joan de Coupland, the inquiſition finds, that *Matthew de Redman* held of her, on the day on which ſhe died, the manors of Levins and Lupton, by homage, and the ſervice of two marks yearly, as of her manor of Kirkby in Kendale: And that he held alſo of her a moiety of Quinfell, and divers tenements in Selſat. And that *Thomas de Redman* held of her divers tenements in Kirkeſlack: Which *Thomas* was one of the jurors on the ſaid inquiſition.

In the 9 Hen. 4. *John de Redmane* was a juror on the inquiſition *poſt mortem* of John Parr knight.

And in the 13 Hen. 4. *James Redmane* was one of the jurors on the inquiſition *poſt mortem* of Ingelram de Coucy.

In the 20 Hen. 6. *Richard de Redman* was choſen one of the knights to repreſent the ſaid county in parliament. He married Margaret daughter of Thomas Middleton of Middleton-hall eſquire.

In the 22 Ed. 4. it was found by inquiſition, that the manor of Levins was holden of William Parre as of the barony of Kendale; and that *Richard Redmayne* knight had a ſon *Matthew* who died in the lifetime of his father, who had

a ſon *Richard*, who had a ſon *William* who died without iſſue, whoſe heir was *Edward* his younger brother then of the age of 27 years.

This *Edward* appears to have been living in the reign of Hen. 7. For in the 4th year of that king, after the attainder of the Harringtons, the inquiſition finds, that Thomas Harrington held a meſſuage and tenement in Lupton of *Edward Redman* eſquire. And this is the laſt of the name of *Redman* that we have met with at Levins. And the eſtate appears to have been ſold about this time.

The arms of *Redman* were; Gules, 3 cuſhions Ermine, taſſelled Or.

At this time there was a flouriſhing family of the name of BELLINGHAM at Burneſhead. Of a younger branch of which family, one *Alan Bellingham* eſquire purchaſed Levins, of one *Redman* by name, who then lived at Thornton nigh Egleſton in Yorkſhire. Which family therefore of *Bellingham* of Levins we proceed next to deduce.

1. ALAN BELLINGHAM the purchaſer was eighth ſon of Sir *Robert Bellingham* of Burneſhead knight; ſon of *Richard*; ſon of *Robert*; ſon of *Richard*, who married the heireſs of Burneſhead, and thereby came to that inheritance; ſon of *William de Bellingham* of *Bellingham* in Northumberland, who was underſheriff in that county in the beginning of the reign of king Edward the firſt.

This *Alan* purchaſed not only *Levins*, but alſo *Helſington* (where the family frequently reſided), *Gaythorn*, and *Fawcet foreſt*, and divers lordſhips in Lancaſhire and Northumberland. And finally he had a grant from king Henry the eighth, in the laſt year of his reign, of the fourth part of the barony of Kendal, which is called the Lumley Fee.

He was treaſurer of Berwick, and deputy warden of the marches.

Of him this rhyme was made, alluding to his ſocial, and at the ſame time martial diſpoſition:

"Amicus Amico Alanus,
"Belliger Belligero Bellinghamus."

He married Elizabeth daughter of William Gilpin of Kentmere; and by her had iſſue,

2. THOMAS BELLINGHAM of Helſington eſquire, who married Marian daughter of Thomas Beck of the barony of Kendal.

This Thomas was dead before the 3 Ed. 6. for in that year Marian Bellingham of Helſington widow had a leaſe granted to her of the rectory of Greſmere for 97 years, which came to her ſon Alan afterwards as executor to her, who ſold his term and intereſt therein to William Fleming of Rydal eſquire in the 16 Eliz. This Alan, during his mother's life, lived at Foreſt-hall, and after her death removed to Helſington.

Beſides this ſon *Alan*, who was the elder, there was another ſon *Thomas*, who lived at Gaythorn, and married a daughter of Thomas Blenkinſop of Helbeck eſquire.

3. ALAN BELLINGHAM of Helſington eſquire. He was a bencher of the Inner Temple, and one of the king's council at York for the northern parts. In the 13 Eliz. he was knight of the ſhire for Weſtmorland.

He

He married to his firſt wife Catherine daughter of Anthony Ducket of Grayrigg eſquire, by whom he had no iſſue. To his ſecond wife, he married Dorothy daughter of Thomas Sandford of Aſkham eſquire, and by her had iſſue, 1. *Thomas*, who died an infant. 2. *James*, who ſucceeded to the inheritance. 3. *Henry*. 4. *Robert*. 5. *Alan*. And ſeven daughters; amongſt whom were, *Grace*, married to Clyburn of Clyburn. *Marian*, married to Francis Ducket of Grayrigg eſquire. *Thomaſin*, married to Thomas Salkeld of Corby eſquire. And *Dorothy*, married to William Burrow of Biggins.

This is that *Alan* who lies interred in the chancel of Kendal church.

4. JAMES BELLINGHAM of Helſington eſquire. He was knighted by king James the firſt at Durham, at his firſt coming into England in the year 1603.

He married Agnes daughter of Sir Henry Curwen of Workington knight.

In the year 1617, this Sir James preſented *William Willaine* to the vicarage of Croſby Ravenſworth, the advowſon thereof being appendent to his manor of Gaythorn.

He died in 1641; leaving iſſue, 1. *Thomas*, who died unmarried. 2. *Henry*, who ſucceeded to the inheritance. 3. *Alan*, who ſucceeded as heir in tail, after failure of iſſue male from his elder brother Henry. And ſix daughters; 1. *Mary*, married to Chriſtopher Crackenthorp of Newbiggin eſquire. 2. *Alice*, married to William Mallory of Studley in the county of York. 3. *Dorothy*, married to Sir Ralph Aſhton of Whalley in Lancaſhire baronet. 4. *Frances*, married to Sir William Chaytor of Crofte in the county of York knight. 5. *Agnes*, married to Sir William Ingleby of Ripley in the county of York knight. 6. *Elizabeth*, who died unmarried.

5. Sir HENRY BELLINGHAM of Helſington baronet was knight of the ſhire in every parliament that was ſummoned in the reign of king Charles the firſt. He married Dorothy daughter of Sir Francis Boynton of Bramſton in the county of York knight: And by her had iſſue ſeven children (as appears from her epitaph above mentioned, but of theſe three only arrived to maturity, *viz.*) 1. *James*, who married a daughter and coheir of Sir Henry Willoughby of Riſley in the county of Derby knight, but died before his father without iſſue. 2. *Dorothy*, married to Sir Henry Griffith of Burton Agnes in the county of York knight. 3. *Elizabeth*, married to John Lowther of Lowther eſquire.

And here the male iſſue failing in the line of primogeniture; *Alan*, the next brother of Sir Henry, entered as heir in tail, paying 3000*l* to Sir Henry's two daughters and coheirs.

6. ALAN BELLINGHAM of Levins eſquire, brother of Sir Henry, and third ſon of Sir James by his wife Agnes Curwen.

In 1661, he repreſented the county of Weſtmorland in parliament.

In 1668, he ſued for a general fine; and an iſſue out of chancery was directed to be tried at the aſſizes at Appleby, whether as the ſaid Alan came in by purchaſe, and not by deſcent, a general fine was due to him upon the death of the ſaid Sir Henry: And a verdict was given for the defendants. The ſame iſſue was tried over again at the next York aſſizes, and a verdict was given for the plaintiff*.

* Fleming.

He

He married Suſan daughter of Marmaduke Conſtable of Maſham in the county of York eſquire; and died in 1672; leaving iſſue *James*, *Henry*, and *Thomas*; and two daughters *Mary* and *Dorothy*, the latter of whom was married to Henry ſon and heir of Sir John Marwood of Little Buſkby in the county of York.

7. JAMES BELLINGHAM of Levins eſquire, ſon of Alan. He married firſt Barbara daughter of Sir Chriſtopher Dalſton of Acorn Bank, and by her had a daughter *Elizabeth*. To his ſecond wife he married Elizabeth daughter of Sir Francis Leke of Newark upon Trent, and by her had *Alan*, *Henry*, *William*, *Roger*, *Mary*, *Agnes*, and *Bridget*. He was of the age of 42 at Dugdale's viſitation in 1664; and died in 1680.

8. ALAN BELLINGHAM of Levins eſquire, ſon and heir of James. He was 9 years of age at the time of the ſaid viſitation. He was choſen knight of the ſhire in 1681, and again in 1685. And this was the laſt of the Bellinghams at Levins; of whom the reverend Thomas Machel gives this eulogium, that he was an ingenious but unhappy young man. He conſumed a vaſt eſtate, and ſold Levins, together with the reſt of his lands in Weſtmorland, to colonel *James Grahme*, privy purſe to king James the ſecond, younger brother of Sir *Richard Grahme* of Netherby in the county of Cumberland baronet, afterwards created viſcount Preſton.

Theſe *Bellinghams* bore for their arms; Argent, 3 bugles or hunting horns Sable, garniſhed and furniſhed Or. The creſt (in Dugdale) a buck's head couped Or.

The ſaid JAMES GRAHME married *Dorothy* daughter of *William* earl of *Berkſhire*, ſon and heir of *Thomas* earl of *Berkſhire*, ſecond ſon of *Thomas* earl of *Suffolk*, ſecond ſon of *Thomas* duke of *Norfolk*, who in the reign of queen Elizabeth was beheaded for aſpiring to the marriage of Mary queen of Scots. He repreſented the county of Weſtmorland in the ſeveral parliaments choſen in the years 1708, 1710, 1713, 1714, and 1722.

By his ſaid wife Dorothy, he had a daughter and heir *Katharine*, married to *Henry-Bowes Howard* earl of *Berkſhire*, and thereby brought the inheritance into that family.

Henry-Bowes Howard, earl of Berkſhire, was ſon of *Craven Howard*, ſon of *William* aforeſaid, father of the aforeſaid *Dorothy*. So that Henry-Bowes and his lady were firſt couſins, both being deſcended from the ſame grandfather *William* earl of *Berkſhire*. He had the appellation of *Bowes* from his mother, who was daughter and ſole heir of *George Bowes* of Elford nigh Litchfield in the county of Stafford eſquire.

He had iſſue by his ſaid wife Katherine Grahme, *William* viſcount *Andover*, who married the lady Mary Finch, ſecond daughter of Heneage earl of Aileſford, and died in the lifetime of his father; leaving iſſue,

Henry Howard the preſent earl of *Suffolk* and *Berkſhire*; which title of *Suffolk* came to this family by failure of iſſue male from the elder branch of Thomas earl of Suffolk aforeſaid, ſecond ſon of the aforeſaid Thomas duke of Norfolk.

folk. Which *Henry* earl of Suffolk and Berkſhire married Maria Conſtantia ſole daughter of the preſent lord Trevor, and hath iſſue Maria Conſtantia his only child, of whom her mother died in child-birth.

The *Suffolk* arms are: Gules, a bend between ſix croſs croſslets fitchy Argent; with an augmentation in the midſt of the bend, on an eſcutcheon Or, a demi-lion rampant pierced through the mouth with an arrow, within a double treſſure counterflory Gules. The creſt: On a chapeau Gules, turned up Ermine, a lion guardant, his tail extended, Or; gorged with a ducal coronet Argent.—Supporters: On the dexter ſide, a lion guardant Or, gorged ducally Argent; on the ſiniſter, a lion Argent.—Motto: "Non quo, ſed quo-"modo."

The manor-houſe is Upper Levins Hall; which is a venerable old building, on the ſouth ſide of the river Kent; with extenſive gardens, bowling-green, wilderneſs, and green-houſe (now well furniſhed with curious plants), on the ſouth ſide thereof; and on the north, a large court, fine gravel walks, and handſomely paliſaded towards the river.

The arms in the hall, at the time of Mr. Machel's perambulation in 1692, were as follows:

In the glaſs of the large north window in the great hall; *Bellingham* and *Burneſhead* quarterly, impaling *Sandford* quartered with *Engliſh*.

Alſo, *Bellingham* and *Burneſhead* quarterly; impaling *Curwen*, with another coat, *viz.* Azure, a lion rampant Argent, langued Gules, debruiſed on the ſhoulder with three billets (the name not mentioned).

In plaiſter: *Bellingham* and *Burneſhead*; impaling, a wild boar leaning againſt a tree, the name not mentioned (probably, *Gilpin*).

Bellingham and *Burneſhead*; impaling *Sandford*, with its three quarterings, *Engliſh*, *Crackenthorp*, and *Lancaſtre*.

In the parlour window: *Bellingham* quartering *Burneſhead*; and on a ſcroll on one ſide, *Amicus Amico Alanus*, on the other ſide, *Belligerus Belligero Bellinghamus*.

In the bow window: Impalings of *Barburne*, *Tunſtall*, *Gilpin*, *Becke*, *Sandford*, *Salkeld*, all by name.

The park adjoining is well ſtored with fallow deer. The river Kent runs through the middle of it, over which there is a fair ſtone bridge, and a waterfall at the head where they catch ſalmon, called Levins Force (the ſame which in ſeveral ancient writings is called The Fors) *. Mr. Camden mentions two *catadupæ*

* The accounts of the growth and migration of this fiſh in the two counties of Weſtmorland and Cumberland are very different, and not eaſy to be reconciled. The ſalmon come up into the freſh water to ſpawn, in the months of October, November, and December. The fiſhermen at King Garth near Cariſle, which is one of the largeſt ſalmon fiſheries in England, hold, that the fry, which appear in all the rivers in vaſt plenty in the ſpring following, do all go down to the ſea in the firſt floods that happen in the ſucceeding months of May and June, and return the next ſpring full ſalmon, that is, breeding fiſh, but far from the ſize they afterwards attain, which it is ſuppoſed may require ſeveral years. And the late Mr. John Carnaby, who occupied this fiſhery for many years, and who was deemed an intelligent man and of great veracity, has been often heard to ſay, that he had many times marked fry as they went down, and taken them again in the next year full ſalmon as aforeſaid.—On the other hand, the fiſhermen in Weſtmorland and at Lancaſter in the

catadupæ or water-falls in this river; but the other is not in Kent, but in the river Betha nigh Betham. The water at theſe places falls with a mighty noiſe, which to the neighbouring inhabitants is a prognoſtication of the weather. When that which is north from them ſounds more loud and clear, they look for fair weather; when that on the ſouth ſide doth the ſame, they expect rain. The philoſophy of which is no more than this; that the ſouth weſt winds, blowing from the ſea, bring the vapours along with them, and generally produce rain; conſequently, blowing from the north or north-eaſt, they have the contrary effect.

On the weſt ſide of the Force was erected, ſome few years ago, by Thomas Holme eſquire and other gentlemen in Kendal, a forge for beating out pigs of iron, and other iron work, which employs ſeveral families, who have dwelling-houſes and offices near adjoining.

And at Sedgwick, on the eaſt ſide of Kent, is lately erected by Mr. John Wakefield of Kendal and others a mill for making of gunpowder.

In the park of Levins, on the ſouth ſide of the river, are the ruins of an ancient round building now called Kirkſtead, which is ſaid to have been a temple dedicated to Diana; near whereunto are to be ſeen the ruins of another building, which it is ſuppoſed belonged to that place.

In the ſame park, on the other ſide of the river, is a ſpring called the dropping well; which is of a petrifying quality, and in a ſhort ſpace of time will turn moſs, wood, leaves, and the like, into ſtone.

A little below Levins, the river Kent enters upon the Sands, from which they are denominated Kent Sands; and though it is larger than the river Betha, yet no veſſels can come up.

William de Lancaſtre, the firſt of that name, granted to the priory of Coniſhead the fiſhery of *Levene*, with a ſeyn and boat, from the place where Craike falls into Levene, as the ſaid William uſed to fiſh there; reſerving to himſelf liberty to fiſh there in perſon, and ſaving the view of his men which they had uſed to have in the ſaid fiſhery †.

river Lune, ſay, the produce of the ſalmon is ſix years before it comes to be full grown ſalmon, and they diſtinguiſh the ſame in the following manner: Firſt year, pinks; ſecond year, ſmelts; third year, ſprods; fourth year, morts; fifth year, fork tails; ſixth year, ſalmon. Whereas the Carliſle fiſhermen diſtinguiſh theſe as different ſpecies: The pinks and ſmelts being their fry or young ſalmon; the ſprods and morts they call the freſh water whiting; and the fork tails they diſtinguiſh by the name of gilſe; and will not allow, that any of theſe three laſt ſorts will ever come to be ſalmon. However, this is certain, (and the author of this note ſpeaks from his own knowledge as an angler,) that in the higher parts of the river Lune, where the ſalmon uſually reſort to ſpawn, there are in the beginning of the ſpring two different ſizes of young ſalmon, the one ſomewhat leſs than two inches in length, and the other commonly between four and five inches. This larger ſort goes down in the latter end of April or beginning of May. The ſmaller ſort remain the whole ſummer in great abundance, and grow to the ſize of four inches or upwards, and make much diverſion to the angler. This brood goes down the next ſpring, and leaves the laſt autumn ſpawn remaining as before.

† 2 Dugd. Mon. 424.

NETHER OR UNDER LEVINS.

After a moiety of Levins was ſold as aforeſaid by *Ketel* ſon of *Ughtred*, it doth not appear how long *Ketel* and his poſterity continued in poſſeſſion of the other moiety: Probably not long; for in the next generation we find ſeveral perſons of rank and note in this part of the county of the name *de Levins*, and ſome of them expreſsly ſtyled of Levins-hall.

Their arms were; Argent, on a bend Sable 3 eſcalops of the field. The creſt; a ſlip of a *vine* (in alluſion to the name) Proper.

In Betham church windows in Mr. Machel's time there were ſeveral defaced coats of arms; amongſt which were to be ſeen inſcribed ſeveral times the name of *Lewins*.

Next to this family, and perhaps purchaſers from them, we find the *Preſtons* of *Preſton*. In the 15 Hen. 8. by an inquiſition after the death of *Thomas Preſton*, it is found, that he died ſeiſed of the manors of Preſton, Holme, Heverſham, Nether Levins, and other places. This family of *Preſton* ending in daughters, Nether Levins came by marriage of one of the two coheirs of Sir *Thomas Preſton* to the lord *Montgomery*, who ſold the ſame to *Edward Wilſon* of Dallam Tower eſquire, about the year 1694.

On the ſurvey of the queen's lands in the 28 Cha. 2. Sir Thomas Preſton ſtands charged with a free rent of 20*s*, and James Bellingham eſquire 10*s*, for a fiſhing in the river Kent.

The *manor-houſe* is Under-Levins-hall, on the north ſide of the ſaid river; which has two demeſnes, one of which is called Naynſergh, on the oppoſite ſide of the river.

Mr. Machel's account of the arms which he found at Under-Levins-hall is as follows:

In the dining-room;

Preſton, ſingle.
Preſton impaling *Curwen*.
Preſton impaling *Preſton* of a younger houſe.
Preſton impaling *Thornburgh*.
Preſton impaling *Redman*.
Preſton impaling *Bradley*.

V.

STAINTON.

This place, at the time of the conqueſt, belonged to *Gilemichel* *, but ſoon after belonged to the *Flemings*, and ſo early as the reign of king Edward the firſt or before to the *Stricklands* of Sizergh, of which family Sir *Thomas Strickland* about the year 1674 ſold the tenements to freehold.

* Domeſday.

The *chapel* in Stainton commonly goes by the name of *Croſcrake* chapel, from two farm houſes of the name of *Croſcrake*, nigh which it ſtands.

It was founded and endowed by *Anſelm de Furnaſs*, ſon of the firſt *Michael le Fleming*, about the time of king Richard the firſt; and in the reign of king Edward the firſt was granted by Sir *William de Stirkland* knight to the priory of Cartmell: Witneſſes of which grant were; Henry de Redman and Roger de Burton knights, Maſter Roger de Warwick rector of Herſam, William de Windeſhover, Richard de Preſton, Thomas de Derlay, Roger de Levins, and others *.

After the diſſolution of the religious houſes, this chapel had gone to decay, and Mr. Machel deſcribes it in his time as an ancient chapel rebuilt; having a chimney in the north-weſt corner; the lintel thereof lying about a yard from the ground; and a yard above that, the funnel going out at an hole in the wall; without any bell, or any ſalary belonging to it, or any ſervice performed. But it was made uſe of for the purpoſe of a ſchool.

The chapel having long remained in the ſame ſorry condition, the late biſhop of Cheſter (Dr. Keene) procured it to be put in the liſt of chapels to be augmented by the governors of queen Anne's bounty, whereby it became intitled to 400*l*, about the year 1757. Since that time it hath been again augmented with the ſaid bounty, procured by 100*l* given by the ſaid biſhop, being part of a legacy in his lordſhip's hands to augment poor chapels; 60*l* given by the executors of the late Dr. Stratford; and 40*l* advanced by the preſent curate the reverend John Wilſon, who is alſo maſter of the free grammar ſchool of Heverſham aforeſaid. With the above ſums, two eſtates were purchaſed, one at Dilaker, and the other in Killington; both of which together amount to the yearly value of about 30*l*. And in the year 1773, by the help of a charity brief this chapel was rebuilt.

VI.

PRESTON RICHARD.

PRESTON, of very ancient time, appears to have been divided into two parts, long before thoſe two parts obtained the names of *Preſton Richard* and *Preſton Patrick*. At the Domeſday ſurvey, *Torfin* had one part of *Preſton*, and *Roger of Poictou* the other. And even at the time of the diſtribution of pariſhes, they ſeem to have been ſeparate; for *Preſton Richard* is in the pariſh of *Heverſham*, and *Preſton Patrick* in the pariſh of *Burton:* And it was uſual that a man's whole intire eſtate in the neighbourhood ſhould belong to one and the ſame pariſh. Hence we ſee that Farleton, which extends almoſt quite through the pariſh of Burton, yet belongs to the pariſh of Betham.

There was a long ſucceſſion of perſons of the name of *Richard de Preſton*, from the reign of king Henry the ſecond to the reign of king Edward the third, both incluſive; comprehending the ſpace of upwards of 200 years: from

* Amongſt the evidences at Sizergh-hall.

the firſt of whom probably this part of *Preſton* of which we now ſpeak received the name of *Preſton Richard.* At which time alſo, the other part of *Preſton* belonged to *Patrick de Culwen*, from whom it ſeems to have received the name of *Preſton Patrick.*

Before the time of the ſaid firſt *Richard de Preſton*, this part was called *Preſton Ughtred*; from another owner probably of the name of *Ughtred*, who (as we have ſhewn) was in poſſeſſion of the whole manor of Levins at that time; and, as he ſold a moiety of the manor of Levins to Redman, ſo it is moſt likely that he ſold this moiety of Preſton to the ſaid *Richard.*

After this *Richard de Preſton* (the firſt of the name) we find, in the reign of king Henry the third, *Richard de Preſton* knight, who was witneſs to divers grants of lands in Lancaſhire by Sir John le Fleming knight; together with Sir William de Furnes, William ſon of Orme, Matthew de Redeman, Thomas de Bethun, Adam ſon of Gamel, and divers others.

He was alſo witneſs to a grant and confirmation of lands in Preſton, Holme, and Hutton, by William de Lancaſtre the third to Patric ſon of Thomas ſon of Goſpatric.

In the 11 Ed. 1. *Richard de Preſton* was one of the jurors on the inquiſition *poſt mortem* of William de Lindeſey.

In the 20 Ed. 1. Sir *Richard de Preſton* was one of the jurors in a cauſe between the king and the abbot and convent of St. Mary's York, concerning the advowſon of the two churches at Appleby.

In the 7 Ed. 2. *Richard de Preſton* appears to have held lands at Preſton.

In the 7 Ed. 3. *Richard de Preſton* was witneſs to a releaſe of lands at Old Hutton, by Gilbert de Culwen to Thomas ſon of Patric de Culwen.

In the 15 Ed. 3. *Richard de Preſton* held lands in Preſton Richard of Thomas de Roſs.

In the 17th, and again in the 27th of Ed. 3. *Richard de Preſton* knight repreſented the county of Weſtmorland in parliament.

In the 42 Ed. 3. *Richard de Preſton* had a licence to impark 500 acres of land.

After this, we come to a family pedigree of the Preſtons, which family finally ſettled at Preſton Patrick, and the name became extinct in daughters in the reign of king Charles the ſecond. The firſt in the ſaid pedigree is *John de Preſton*, who ſeveral times in the reign of king Edward the third repreſented the county of Weſtmorland in parliament.

The ſecond in the ſaid pedigree is *Richard de Preſton*, who in the 14 Ric. 2. appears to have held the manor of Preſton Richard of Sir William Parr knight.

This Sir Richard (according to the Pennington pedigree) died without iſſue male, leaving daughters coheirs; of whom Margaret was married to Alan Pennington lord of Moncaſter, whereby a moiety of the manor of Preſton Richard came to that family in which it ſtill continues. The other moiety belonged to the Hudleſtons of Hutton John, which was taken from them by Oliver Cromwell, whereby it came to the *Benſons* of Hugill, and by marriage of one of the coheirs came back into the *Preſton* family, whoſe pedigree is

further deduced as followeth.—The laſt mentioned Sir *Richard Preſton* had a brother (as it ſeemeth) Sir *John Preſton* knight, who was brought up to the law, and was one of the judges of the court of common pleas; who had iſſue *Richard*; who had iſſue *Thomas*; who had iſſue *John*; who had iſſue Sir *Thomas Preſton*; who had two ſons, *John* who continued at Preſton Patrick, and a younger ſon *Chriſtopher Preſton* of Holker eſquire, from whom did deſcend the Preſtons of Holker.

Which *Chriſtopher Preſton* married Margaret Southworth, and by her had iſſue, (1) *John*. (2) *Thomas*, who married the lady Wandesford of Kirklinton in Yorkſhire widow. (3) *Anne*, married to Chriſtopher Laton of Sexey in Cleveland.

John Preſton of Holker eſquire, ſon and heir of Chriſtopher, married *Mabel* one of the daughters and coheirs of *William Benſon* of Hugill; and with her received a moiety of the manor as aforeſaid of Preſton Richard. They had iſſue,

George Preſton of Holker eſquire; who married to his firſt wife Elizabeth daughter of Ralph Aſhton of Lever in Lancaſhire, and by her had iſſue, (1) *Thomas*. (2) *Chriſtopher*. (3) *Frances*, married to Robert Duckenfield of Duckenfield in Cheſhire. To his ſecond wife he married Anne daughter of Sir Thomas Strickland of Sizergh, and by her had iſſue, (1) *George*. (2) *Anne*, married to Sir George Middleton of Leighton baronet. (3) *Margaret*, married to Francis Biddulph of Biddulph in Staffordſhire. (4) *Elizabeth*, married firſt to John Sayer of Yarm: Secondly, to Nathanael Weſt eſquire: And thirdly, to George Layburne gentleman.

Thomas Preſton of Holker eſquire, ſon and heir of George, married Katharine daughter of Sir Gilbert Houghton of Houghton-Tower baronet, and by her had iſſue, (1) *George*. (2) *Thomas*, who married firſt Mary daughter of George Dodding eſquire, and by her had no iſſue; to his ſecond wife he married a daughter of Sir Roger Bradſhaigh of Haigh in Lancaſhire baronet, and by her had iſſue Katharine married to Sir William Lowther of Maſk baronet.

George Preſton of Holker eſquire, ſon and heir of Thomas, married Mary daughter of John Lowther of Lowther eſquire; and had iſſue *Elizabeth*, married to Sir Wilfrid Lawſon baronet.

And here ended the name of *Preſton* of *Holker*.

The arms of *Preſton* were; Argent, two bars Gules. On a canton of the ſecond, a cinquefoil Or, pierced of the firſt. The Preſtons of Holker had a creſcent, by way of diſtinction of the younger houſe.

On failure of iſſue male, their moiety of the manor was ſold to Sir John Lowther, from whom it hath deſcended to the preſent owner Sir James Lowther baronet.

Part of the Lowther tenants pay annually a free rent of 11*l* 14*s* 11½*d*., whoſe tenements were purchaſed to freehold of Sir John Lowther baronet in 1679; the reſt pay a cuſtomary and finable rent of 8*l* 4*s* 9*d*.—And part of the Pennington tenants pay a free rent of 1*l* 13*s* 8*d*; and a cuſtomary and finable rent of 23*l* 4*s* 9*d*. (But in 1772 about one third of them purchaſed their

their tenements to freehold.)—The cuſtomary lands pay a fine arbitrary, but no boons or other like ſervices.

Both lords have waif and eſtray upon the common, as they come firſt to them; or upon the other lands in the manor, as they happen to be in the grounds of their reſpective tenants.

This whole manor, according to Mr. Machel, is holden of the earl of Derby as paramount or chief lord, and formerly paid to him a noble rent yearly. The Penningtons, he ſays, purchaſed their moiety free; but the other half, *viz.* 3 *s* 4 *d* yearly continues to be paid by the Lowther tenants.

The ancient manor-houſe was at the place which is now called *Old-Hall*, and belongs to *Edward Johnſon* eſquire, a gentleman eminent for his love of gardening and botany, and deſervedly eſteemed for other accompliſhments of more general and public utility. It was purchaſed in the year 1603, by his anceſtor William Johnſon of Stub gentleman.

Adjoining to Old-Hall and Stub eſtates was the ancient *deer-park*, but it hath been long ago diſparked. And in the north-eaſt part of Preſton Richard is a place called *Birkrig-park*, within which is a place called the *Sepulchre*, where many Quakers have been interred; but it is now ſeldom uſed, they having a commodious meeting-houſe and burying-place in Preſton Patrick.

At End-Moor in this townſhip, in a place belonging to *John Savage* gentleman, in digging the foundation of a building ſome few years ago, the workmen found a curious hammer-head of ſtone, which undoubtedly muſt be extremely ancient, as it hath in all probability been formed before the uſe of iron in this iſland. It is of the exact form and ſize of a ſmith's ſtriking hammer. The worthy vicar of this pariſh ſent it to Trinity college in Cambridge; and in the year 1770, the learned Mr. Lort, fellow of the ſaid college, and greek profeſſor in that univerſity, exhibited it to the Antiquarian Society. He obſerved thereupon, that "a weapon of this ſize and ſhape is figured in the "Muſeum Danicum; and that in the ſame Muſeum there is an account of an "urn dug up in Holſatia in 1686, containing aſhes, bones, and the head of a "ſpear made of flint, and another ſtone like an hatchet: That the famous old "northern poem, called the Edda, makes frequent mention of the *malleus* of "the god Thor, or god of thunder, which, in the original, is called *hammaren* "*miolnar*, and, in the latin tranſlation, *malleus contuſor*, and is particularly ce-"lebrated as fatal to enemies, giants, and dæmons."—To which may be added the ſentiments of a learned Frenchman on the ſame ſubject, from the Hiſtory of Arts and Sciences in 3 volumes printed at Edinburgh, vol. i. page 156. "A kind of thunder ſtones, as they are commonly called, are ſtill preſerved "in a great many cabinets. They have the ſhape of axes, plough-ſhares, "hammers, mallets, or wedges. For the moſt part they are of a ſubſtance "like our gun-flints, ſo hard that no file can make the leaſt impreſſion upon "them. They are almoſt all pierced with a round hole, in the place moſt "proper for receiving a handle, and this hole is made in ſuch a manner, that "the handle being once forced in, will not come out again, but with great "difficulty, as is with our hammers. It is well known, that tools of ſtone "have been in uſe in America from time immemorial. They are found in the

" tombs of the ancient inhabitants of Peru, and ſeveral nations uſe them to " this day. They ſhape and ſharpen them upon a kind of grindſtone; and, " by length of time, labour, and patience, form them into any figure they " pleaſe; and uſe them nearly in the ſame manner as we do our tools of iron." Mr. Robinſon of Newby-bridge in Lancaſhire, in draining ſome low grounds, at a good depth below the ſurface, met with a ſtone hammer-head like this above deſcribed. And the late biſhop of Carliſle, Dr. Lyttelton, exhibited ſuch another to the Antiquarian Society, found in the pariſh of St. Cuthbert's Carliſle.

Miles Greenwood, a native of Crooklands in this townſhip, by his will in 1637, gave 20*s* yearly iſſuing out of an houſe at Grantham in Lincolnſhire, to be diſtributed to the poor people dwelling nigh unto Crooklands.

VII.

CROSTHWAITE AND LYTH.

This is a large diviſion, conſiſting part of the Richmond and Marquis fees, and part of the Lumley fee.

By the inquiſition aforeſaid of the lands belonging to queen Katharine in the 28 Cha. 2. it was found, that in Croſthwaite and Lyth there were 63 tenements of the Richmond fee, of the yearly cuſtomary rent of 19*l* 3*s* 7*d*. And two tenements of the Marquis fee, of the rent of 15*s*.—Of the Lumley fee there are about 50 tenements.

The *chapel* of Croſthwaite is about five miles north weſt from the pariſh church. It ſeems to have been of ancient foundation, but was not made parochial till the reign of Philip and Mary. For in the year 1556, Cuthbert biſhop of Cheſter, reciting the petition of the inhabitants of the vills or hamlets of Croſthwaite and Lyth, ſetting forth their great diſtance from the pariſh church, ſo that they cannot carry their dead to be buried without great charge and inconvenience, nor carry their children to be baptized without great danger to the ſaid children both of ſoul and body, nor attend the church for divine ſervice and ſacraments without great charge and labour, and therefore praying that he would vouchſafe to conſecrate a certain chapel of theirs commonly called Croſthwaite chapel, and grant licence for a chaplain to officiate therein, to be maintained by their own ſalary and charge, and not otherwiſe; he the ſaid biſhop, with the aſſent of the maſter and fellows of Trinity college in Cambridge, patrons of the pariſh church of Heverſham, grants licence, that in the chapel or oratory aforeſaid called Croſthwaite chapel, in honour of the bleſſed virgin Mary, ſituate in the hamlet of Croſthwaite aforeſaid, maſs ſhall be celebrated, the canonical hours rehearſed, the bodies of the dead buried, and the ſacraments adminiſtred, by fit prieſts canonically ordained, having firſt been approved by the vicar of Heverſham for the time being: Yet ſo, that no prejudice thereby ariſe to the mother church in tithes, oblations, obventions, or other eccleſiaſtical rights. With a proviſo, that this licence once in three years be brought by the chaplain or three other principal inhabitants of the ſaid hamlets to the pariſh church, and there on the ſecond Sunday after Pentecoſt be read

read at the high altar after reading the goſpel by the miniſter there officiating, if by the vicar or churchwardens of the ſaid church of Heverſham they be thereunto required.

Afterwards, about the year 1580, on ſome diſputes between the inhabitants of the chapelry and the reſt of the pariſhioners, an award was made. Which award being deſtroyed by the burning of the church as aforeſaid, a memorial thereof was put into writing, and regiſtred in the pariſh book as followeth: "Whereas it fortuned, through negligence of a careleſs workman, being a plumber, in the year 1601, on Wedneſday being the firſt day of July, the pariſh church of Heverſham was utterly conſumed with fire, and all implements, ornaments, books, monuments, cheſts, organs, bells, and all other things were periſhed; amongſt which things, there was an award indented, the date whereof we have not in perfect memory, yet we think that it was about the year of Chriſt 1580, made between the inhabitants of Croſthwaite and Lyth, being a hamlet of the ſaid pariſh, on the one part, and the inhabitants of the other hamlets of the ſaid pariſh on the other part, awarded by the right worſhipful Sir Thomas Boynton knight and Rowland Philipſon eſquire, touching certain queſtions, articles, ſuits, and controverſies then depending amongſt them. The articles whereof, we whoſe names are hereunto ſubſcribed thought meet and convenient to expreſs and ſet down, ſo near as our memories do extend unto. Firſt, ordered and awarded, that the ſaid inhabitants of Croſthwaite and Lithe, by their churchwardens and ſworn men, ſhall yearly upon New Year's even make their accounts and reckonings at Heverſham church, for all matters and receipts for the benefit of the ſaid church, and yearly pay ſuch ſums of money as ſhall fall due to the church, to the then churchwardens of Heverſham. And alſo ſhall pay towards the ſtipend and wages of the pariſh clerk of Heverſham yearly, on New Year's even, the ſum of 17*s*. And alſo ſhall pay for every corpſe being buried above the Quire wall at Croſthwaite 3*s* 4*d*; and for every corpſe buried beneath the Quire wall 1*s* 8*d*. Alſo ordered and awarded, that when any aſſeſſment, cuilibet, or proportion ſhall be laid and impoſed for the neceſſary repairs of the church of Heverſham, the ſaid inhabitants of Croſthwaite and Lithe ſhall anſwer, bear, and pay a full quarter or fourth part of the ſame, ſo oft as need ſhall require. Alſo ordered and awarded, that the ſaid inhabitants of Croſthwaite and Lithe ſhall appoint and name two ſufficient men within their hamlet, to ſerve as churchwardens at Heverſham church yearly, and ſix others to be ſworn men as aſſiſtants, to make up the number of 24 ſworn men. And the ſaid churchwardens and ſworn men to join with the other churchwardens and ſworn men of the ſaid pariſh, in all things needful and neceſſary for the ſaid church; and always to be appointed on New Year's even; and to take their oaths on the fifth day of January, being the twelfth even, at the ſaid church of Heverſham, according as hath been accuſtomed."—The ſubſtance of which oath is, to maintain and ſupport the benefit of the mother church.

The chancel and ſteeple of this chapel were built by one William Gilpin, who alſo contributed largely towards the three bells, in 1626. On which bells,

bells are the following inſcriptions: On the firſt bell; *Jeſus, be our ſpeed.* On the ſecond bell; *Soli Deo gloria.* On the third bell;

A young man grave in godlineſs,
William Gilpin by name,
Gave fifty pounds, to make theſe ſounds,
To God's eternal fame.

The curate's revenue conſiſts of 5*l* 8*s* 10*d* ancient chapel ſalary, paid by the inhabitants; who alſo in the year 1716 raiſed 200*l* by ſubſcription, and thereby obtained 200*l* from the governors of queen Anne's bounty: With which an eſtate was purchaſed in Dent in the county of York, of the preſent yearly value of about 17*l*. There is alſo a ſmall cottage belonging to the curate of about 40*s* a year; and the intereſt of 158*l* contributed by divers benefactors, amounting to 8*l* a year. The whole amounting to about 32*l per annum*.

In the year 1756, Agnes widow of William Burns bequeathed by her will 15*l* for a flagon to be uſed at this chapel; which was accordingly purchaſed, with her name ingraved thereon.

In 1665, George Cock of Brow-head in Lyth gave by his will 20*l* to the poor of this chapelry; the intereſt thereof to be diſtributed on New Year's day yearly: And 10*l*, whereof the intereſt to go to the uſe of a ſchoolmaſter at Croſthwaite; and when there is no ſchoolmaſter, then to go towards repairing the highways in Lyth quarter: And 20*l*, the intereſt whereof to go to the curate at Croſthwaite: And 10*l*, of which the intereſt to be applied for the repair of the highways in Lyth quarter: Alſo 50*l* to his truſtees, referring it wholly to them to beſtow ſo much thereof as they pleaſe towards building a ſchool-houſe convenient for the whole hamlet. In 1671, Janet his widow by her will gave 10*l* to the poor ſtock.

By other like benefactions, they have now a poor ſtock of 215*l*, and a ſchool ſtock of 70*l*. Beſides which, there was the ſum of 60*l* ſchool ſtock laid out in the purchaſe of a cottage and two ſmall parcels of land called Elie Parrocks, which yielded 3*l* a year. But the tides having waſhed away great part of the land, the inhabitants (with the conſent of the lords of the manor) laid part of the common to the ſaid lands to make up the deficiency; and the cottage alſo being gone to decay, they repaired the ſame with the 10*l* highway money, and the tenant of the cottage to pay 10*s* yearly for the repair of the highways in Lyth quarter.

In a meadow within this chapelry, belonging to John Robinſon of Watermillock eſquire, are three pits; the largeſt of which is immenſely deep, and commonly ſaid to be unfathomable. One thing very remarkable is, that when there is much rain on the weſt ſide of Whitbarrow, in Witherſlack or Cartmell Fells, the water in the pits will riſe and overflow the meadows. And, in the ſeaſon of ſalmon ſmelts, theſe pits abound with thoſe ſmelts, at the ſame time that they are to be ſeen in the river Kent; which argues, that they arrive from thence in ſubterraneous paſſages. The water from the pits runs under Thorpel bridge, and the courſe thereof is called Thorpel Dike.

In

In this hamlet is a large moſs, known by the name of Lyth-moſs; where ſeveral large trees, as oak, fir, and birch, are frequently dug up. One oak ws lately taken up, quite ſound, which contained 2000 feet of wood.

And at a place called High in Croſthwaite, belonging to Mr. Thomas Robinſon, was a remarkable large beech tree; whereof one ſingle branch, broken off by a violent hurricane Oct. 8, 1756, meaſured 193 feet. The remaining part, about two years afterwards, was cut down, which meaſured 605 feet. Beſides which, there were four cords and an half of ſmall wood.

PARISH OF BETHAM.

I. *Pariſh of Betham.*
II. *Manor of Betham.*
III. *Haverbrack.*
IV. *Farleton.*
V. *Witherſlack.*

I.

PARISH OF BETHAM.

BETHAM ſeems to have had its name from the river *Betha*, which runs through the village, and ſo by Milnthorp into the ſea; as much as to ſay, the *hamlet* or village on the river *Betha*. This river is now called *Bela*, by corruption as it ſeemeth; for in Mr. Machel's account it is invariably written *Betha*, without any intimation of its having any other name. And Mr. Leland who travelled through this country in the reign of king Henry the eighth, ſays, "By *Bytham* runneth *Byth* water, a pretty river." And eſpecially, in a grant of lands and other poſſeſſions to the priory of Coniſhead (as hereafter mentioned), it is expreſsly called *the water of Betha*.

Sometimes the name of the place is written *Bethom*; in which reſpect it may be underſtood to ſignify the *holme* ground adjoining to the river.

This pariſh is bounded on the Eaſt by the pariſh of Burton (indeed it runs almoſt quite through and interſects the ſaid pariſh of Burton, which part is called *Farleton)*; on the *South*, by the pariſh of Warton in the county of Lancaſter; on the Weſt, by the ſea; on the North-weſt by the pariſh of Cartmell in the ſaid county of Lancaſter; and on the North, by the pariſh of Heverſham.

The church, according to Mr. Machel's account, is dedicated to St. *Leoth* or *Lyth*, otherwiſe called *Lioba* or *Liobgytha*; but according to Mr. Brown Willis it is dedicated to St. *Michael*. It is a vicarage, in the patronage of the

crown, and in the preſentation (under the crown) of the chancellor of the duchy of Lancaſter. It is rated in the king's books at 13*l* 7*s* 6*d*; and the clear yearly value, as it was certified to the governors of queen Anne's bounty 13*l* 6*s* 8*d*.

Ivo de Talebois gave this church and certain lands at *Halfrebeck* (now called *Haverbrack*) to the abbey of St. Mary's York; to which abbey this church was afterwards appropriated. And Gilbert ſon of Roger Fitz Reinfred and his wife Helwiſe daughter and heir of William de Lancaſtre the ſecond confirmed the ſame to the priory of Wetherall in Cumberland which was a cell of the ſaid abbey *. And the ſame Gilbert ſon of Roger Fitz Reinfred gave to St. Peter's hoſpital in York liberty for their horſes and ſwine to be within his foreſt; and to have two folds therein, one in Capelthwaite and the other in Roakerdale, for the taking of them; and that one perſon of the ſaid hoſpital, and one other perſon, may keep the ſame within his foreſt, ſo as it be done without any bow, arrows, or dog †.

This church paid a penſion of 40*s* a year to the ſaid abbey.

After the diſſolution, the rectory of this church continued in the hands of the crown till the 9th year of king James the firſt (the crown leaſing it from 21 years to 21 years, under the fee farm rent of 25*l* a year, the leſſee paying alſo 13*l* a year to the vicar). Which ſaid king, in the year aforeſaid, granted the ſame to Sir Francis Ducket of Grayrigg knight, reſerving the ancient rent and payment to the vicar.

From Sir Francis it deſcended to James Ducket eſquire; who ſold the great tithes of Farleton to the Wilſons of Underley; the great tithes of Helſlack and Storth to Hugh Tomlinſon, who ſold the ſame again to Mr. Ralph Buſkell: Whatſide great tithes he gave to William his eldeſt ſon by his ſecond wife, who ſold the ſame to John Girlington of Thurland-caſtle in Lancaſhire eſquire.

The reſidue of the rectory he ſettled in truſtees to be ſold for raiſing portions for his three daughters which he had by his third wife, who was afterwards married to Thomas Hilton eſquire, and the overplus to go to their mother. One of theſe daughters, *Mariana*, died unmarried; *Anne* the ſecond daughter was married to one Mr. Gandy; and the third daughter *Elianor* was married to Mr. *Thomas Shepherd*, who purchaſed the other ſiſters ſhares, and his ſon the late *Thomas Shepherd* of Kendal eſquire ſold the ſame about the year 1730 to *Daniel Wilſon* of Dallam-Tower eſquire, grandfather of the preſent owner thereof.

The ſmall tithes by the ſaid ſettlement came to their mother, in whoſe family they continued till after the death of her ſon George Hilton. And in the year 1756 the ſame were purchaſed to the church for the uſe of the vicar, for the ſum of 120*l*; of which the late commiſſary Stratford gave 40*l*, and the pariſh ſubſcribed 80*l*. The whole crown rent of 25*l* a year remains upon theſe ſmall tithes, and they only produce to the vicar upon an average about 4*l* 10*s* a year: But if they ſhall happen to fall ſhort, ſo as to be inſufficient to ſatisfy the crown rent, undoubtedly the other tithes before ſold off will be liable to make it up.

* Regiſtr. Wetheral. † Dugd. MS.

The whole revenue of the vicarage at this day is as follows: Penſion as aforeſaid reſerved out of the rectory 13*l.* Small Tithes 4*l* 10*s.* Three incloſures at Kellet purchaſed by Mrs. Dorothy Wilſon in 1707, 4*l* 10*s.* In 1722, Edward Colſton of Mortlake in Surrey eſquire gave 100*l*, Mr. James French of London another 100*l*, and the reverend Mr. Smith vicar 60*l*, unto which the governors of queen Anne's bounty added 200*l*, wherewith an eſtate was purchaſed at Prieſt Hutton: And in 1731, Mrs. Elizabeth Palmer gave 200*l*, and the governors of the ſaid bounty 200*l*, wherewith an eſtate was purchaſed at Yelland: Which two eſtates are worth yearly about 27*l.*—So that the total of the vicar's revenue is about 49*l per annum.*

There is no vicarage-houſe, nor glebe-land, not even ſo much as the churchyard, belonging to the vicar.

Vicars, ſince the acceſſion of king James the firſt, have been as follows:

Edward Halſtead died in 1612, and was ſucceeded by *Edward Fiſher.*

On the death of *Edward Fiſher* in 1642, *George Benniſon* ſucceeded.

In 1665, *George Benniſon* reſigned, and *John Brockbank* was inſtituted.

On his reſignation in 1670, *William Jackſon* was inſtituted, who continued vicar 39 years.

On the death of *William Jackſon* in 1709, *James Smith* was inſtituted, and continued vicar 43 years.

In 1753, on the death of *James Smith*, *Daniel Wilſon*, M. A. was inſtituted.

Upon whoſe reſignation in 1762, the preſent vicar *William Hutton* ſucceeded, unto whom we are obliged for ſeveral of the particulars relating to this pariſh. This gentleman, by an example worthy of imitation, hath made a large folio collection of matters curious and uſeful concerning his ſaid pariſh, and hath lodged the ſame in the veſtry of the church for the information of poſterity, deſiring that the ſame may never be removed from thence upon any account whatſoever; with vacant pages to be filled up from time to time, as materials ſhall occur. And this undoubtedly is the proper method to render ſuch a work compleat; for it is impoſſible in the nature of the thing, for one perſon, or during the courſe of one man's life, to collect all things that may be uſeful in ſuch an undertaking, and time will add many other particulars.

The *parſonage* or rectory-houſe ſtood at the north-eaſt corner of the churchyard, and was formerly called the college of St. Mary's; and the old *vicarage-houſe* ſtood behind it, adjoining to the churchyard wall.

Nigh to the place where the old rectory-houſe ſtood, the aforeſaid *Thomas Hilton* eſquire erected a fair-houſe, which was afterwards improved and rendered more commodious by his ſon and heir *George Hilton* eſquire. Which ſaid George Hilton, being a Roman catholic, joined the rebels in 1715, and making his eſcape was pardoned amongſt the reſt by the act of grace in the year following. He ever afterwards lived private, and built an houſe at the ſouth end of Betham park, unto which he retired. The reverend Mr. Hutton aforeſaid takes notice, that ſome few years ago there was found in an old cheſt a journal of his life, which unfortunately hath been ſince loſt or miſlaid. It appeared to have been an account of his life taken by himſelf every night, or ſometimes at the end of the week. "On Sunday," ſays he in one place, "I

" vowed to abſtain from three things during the courſe of the enſuing week" [which was in Lent], " *viz.* the uſe of women, eating fleſh, and drinking " wine. But, alas, the frailty of good reſolutions! I broke them all, laid " with a girl at the Sandſide, was tempted to eat the wing of a fowl, and " got drunk at Milnthorp."

The three ſiſters aforeſaid of the Ducket family dying one after another, and the furniture which was divided amongſt them having been ſold at different ſales, the goods came into the hands of divers houſekeepers within the pariſh. At Hangbridge there is now an ancient picture of one of this family which had been drawn on a table or board, and now converted into a clock-caſe. The venerable face of this anceſtor is in front, and an inſcription partly in front and partly on the ſide, having been cut through by the ſaw. As near as it can be made out the inſcription is thus:

Quos fortuna premit, patientia tollit in altum.
Non niſi mentis inops nimboſo turbine cedit.
Sic mea vita fuit: Sed nunc donabitur ætas,
Et placido vento ſulcabit æquora tutò,
Sicut acu demptâ pannus contexitur inde,
Sic cæleſti ardens depellit amorque timorem.
Et velut omiſſis multis, nugiſque relictis,
Grandia concurrunt (demptis florentibus annis)
Sic mea ſors repetit, repetet pars optima vitæ.

At the bottom appears his age and the year of our lord; viz. Ætatis 74. Anno 1597.

The purport of the inſcription is, " That having been toſſed in troubles and " vanities in his youth, now he is become old he is engaged in greater and " more important concerns."

According to the courſe of chronology, this muſt be the picture of *Anthony Ducket* eſquire, grandfather of Sir Francis; which Anthony had a ſon Lionel Ducket at that time fellow of Jeſus college in Cambridge, who (moſt likely) accommodated his father with this inſcription.

The longevity of this family was remarkable; for during the courſe of 12 ſucceſſions, being the whole time that they lived at Grayrigg-hall, not one of them (as we obſerved before) was ever in wardſhip, the heir being always of the age of 21 or upwards, at the time of the death of his anceſtor.

The *church* is in fair and neat condition, with a tower ſteeple and three bells. It ſtands in a fine vale (or holme ground), and the ſituation is rendered very pleaſant by the variety of wood, water, and rocky cliffs in proſpect.

On a pillar nigh the rails of the communion-table is the following monumental inſcription:

Juxta hanc columnam,
jacent reliquiæ
Viri admodum pii ac reverendi J. Smyth,
Hujus eccleſiæ 43 annos vicarii,

Qui vitæ jam actæ recordatione lætus,
et futuræ ſpei plenus,
Animam Deo reddidit die Maii 14°
Anno Dom. 1753. Ætat. 69.
In vita, labor et periculum:
In moriendo, pax et reſurgendi ſecuritas.

In the ſouth ile, on a broad pillar, the late Daniel Wilſon eſquire cauſed a fair monument of white marble to be erected in memory of his grandfather and father, on which is the following inſcription:

Ad pedem hujus columnæ,
Conduntur reliquiæ Edwardi Wilſon de Dallam Tower
Armigeri,
Qui, amici fidelis, boni civis, et integri magiſtratus
Muniis diu et feliciter perfunctus,
Tandem octoginta novem annis fractus,
Requievit menſe Julii, A. D. 1707.
Duas ſibi adſcivit uxores,
Elizabetham filiam Thomæ Braithwaite* de Ambleſide,
Per quam filium unum reliquit Edwardum armigerum:
Huic ſucceſſit Dorothea filia Ricardi Kirkby de Kirkby
in agro Lancaſtrienſi armigeri,
Ex qua,
Unicum ſuſcepit filium Rogerum Wilſon de Caſterton
in hoc comitatu.
Hic etiam cum paterno miſcetur cinis
Edwardi Wilſon armigeri, filii et hæredis;
ſinceri, æqui, eruditi:
Uxorem duxit Catherinam,
filiam Danielis Fleming de Rydale militis,
Fœminam, ſeu conjugem ſeu matrem ſpectes, lectiſſimam:
Et annum agens 69, e vivis diſceſſit 5° die Febr. A. D. 1719.
Superſtites reliquit Danielem et Catherinam:
Hæc
paulo poſt paternas exequias,
ex hac vita demigravit innupta,
et apud Tunſtal juxta matrem ſepulta eſt.
Daniel Wilſon armiger,
Avo patrique optime merentibus pie parentavit.
Juxta quoque jacent, ſecundo et tertio geniti,
Daniel et Gulielmus, hujus filii;
optimæ ſpei pueri.

* Her name was *Jane* daughter of *Gawen Brathwaite*.

On

On the north ſide of the ſaid pillar is another monument, with this inſcription:

Near this pillar
are interred the remains
of Daniel Wilſon eſquire of Dallam-Tower;
who departed this life
the 31ſt of May, A. D. 1754, aged 74.
He married Elizabeth daughter
of William Crowle of Hull eſquire in Yorkſhire;
By whom he had iſſue 6 ſons and 2 daughters.
He repreſented the county of Weſtmorland
in parliament near 40 years, with the
ſtricteſt honour and integrity.
In private life,
he was an affectionate huſband,
an indulgent parent,
a ſincere friend,
an hoſpitable neighbour;
and in all ſtations of life,
his conduct was uniform and conſiſtent.
His ſon Edward Wilſon eſquire
erected this monument
to his memory.

The *ſeats* in this church (according to the ancient laudable cuſtom in churches) are in common to the pariſh; except where ſpecial faculties have been obtained.

On a ſeat in the paſſage from the middle to the north ile, are the following lines, in the genuine ſtyle of inſcription poetry:

" This ſeat gave Thomas Kendal, we ſay,
" To Witherſlack, Methop, and Ulva."

(It was given in the year 1636, to the inhabitants over the ſands.)

Belonging to this church are two ſilver *chalices* for the communion; upon one of which is this inſcription. *Ob pœn. mulct. dedicat. huic eccleſiæ* 1716. It was purchaſed by the late commiſſary Stratford with money paid in commutation of penance for adultery and fornication. (But it doth not ſeem to have been of any neceſſity at all to inſcribe this upon the cup.)

About 60 yards from the church is a *ſchool-houſe*, which was built out of the pariſh ſtock about the year 1663; and there remained the intereſt of 100*l* yearly towards a ſalary for the ſchoolmaſter. There have been ſome benefactions to it ſince, but none very conſiderable.

They have alſo a *poor ſtock* of 100*l*, contributed by about 13 different perſons.

About

About 40 yards diſtant from the place where the ſchool-houſe now ſtands, there was anciently a *chapel*, which is ſaid to have been dedicated to St. John, and near it many human bones have been dug up in a place which is now converted into a garden. A mole ſome few years ago caſt up a large amber bead, and with it an oval piece of ſilver near the bigneſs of a ſhilling. It had an hole through it, and on one ſide of it was impreſſed our Saviour crucified, with theſe letters above the crucifix J. N. R. J. ‖. On the right thereof there was a creſcent, and on the left a riſing ſun. At the bottom, the Virgin Mary in a weeping attitude. On the reverſe, a lamb, with the ſtandard and St. Andrew's croſs.

Nigh to the ſchool-houſe is a neat elegant dwelling-houſe, with large and pleaſant gardens adjoining, belonging to John Benſon gentleman.

II.

MANOR OF BETHAM.

In the pariſh of Betham there are three diviſions (excluſive of *Witherſlack)* which ſeem anciently to have been all one manor or lordſhip, to wit, *Betham*, *Haverbrack*, and *Farleton*. They all belonged to the family of Talebois, barons of Kendal; and were holden (except what was given away to religious houſes) under the barons of Kendal by one and the ſame lord. And this moſt probably is the reaſon, why the pariſh of Burton is interſected as aforeſaid by Farleton; for in the diſtribution of pariſhes, a man's whole eſtate or manor was commonly annexed to that church where he uſually reſided, and of which indeed in many places the lord of the manor was founder and patron.

At the time of the conqueſt this was part of the poſſeſſions of *Toſti* earl of *Northumberland*, and at the time of the Domeſday ſurvey belonged to *Roger of Poictou*, and under him to *Eruvin* the prieſt *; whoſe ſucceſſors (as was uſual) took their name from the place.—In the 17th year of king John, the heir of *Thomas de Bethun* (amongſt other ſons or daughters and heirs of divers meſne lords holding under the barons of Kendal) was delivered as an hoſtage to the ſaid king, for the future fidelity of Gilbert ſon of Roger Fitz-Reinfred and of William his ſon, who had ſided with the rebellious barons.

In the 30 Ed. 1. and again in the 2d, 4th, and 5th of Ed. 2. *Thomas de Betham* was knight of the ſhire for Weſtmorland.

In the 4 Ed. 2. *Thomas de Betham* obtained a charter for a market and fair in Betham †.

In the 8 Ed. 3. *Ralph de Betham* had a grant of free warren in Betham ‡.

‖ i. e. Jeſus Nazarenus Rex Judæorum.

* In Biedun habuit comes Toſti 6 carucatas terræ ad geldum: Nunc habet Rogerus Pictavienſis, et Eruvin preſbyter ſub eo.—In Fareltun 4 carucatas. *(Domeſd.)*

† Denton. ‡ Idem.

In

In the 20 Ed. 3. writs were directed to *Ralph de Betham* and Thomas de Roſs of Kendal caſtle, to ſend their priſoners from their caſtles to the Tower of London.

In the 49 Ed. 3. *Ralph de Bethame* knight held of Joan de Coupland the manor of Bethome with the appurtenances, by homage and fealty and the ſervice of 32*s* a year, as of her manor of Kirkby in Kendale.

In the 8 Hen. 4. *John de Bethom* repreſented the county of Weſtmorland in parliament.

In the 3 Hen. 5. a commiſſion of array was iſſued and directed to *Thomas de Betham* to muſter and array all the men at arms.

In the 3 Hen. 6. *Thomas de Betham* was repreſentative in parliament for Weſtmorland.

And this is the laſt of the Bethams of Betham that we have met with.

In Betham church, on the ſouth ſide of the communion-table, in that part which is repaired by the owner of the manor of Betham, are two effigies of ſtone raiſed near a foot and an half from the floor, which tradition reports to be the monuments of the laſt Sir *Thomas de Betham* and his lady. He is laid in a coat of armour, with his ſword by his ſide. His lady is in a ſhroud, with her hands claſped upon her breaſt. On the north ſide are the following arms quarterly, 1. A raguled croſs. 2. Six annulets, three, two, and one. 3. Three eſcalops, two and one. 4. A ſaltier ingrailed.

The ſame tradition goes, that this manor was forfeited in conſequence of the battle of Boſworth-field, wherein the houſe of York received their final overthrow; and that thereupon it was granted to the Stanleys. It ſeemeth indeed to have come into that family about that time, perhaps by purchaſe from the former poſſeſſor, rather than by any grant from the crown upon attainder; for in the other grants to the Stanleys by king Henry the ſeventh of the forfeited eſtates of Farleton, Witherſlack, and the reſt, we have not found any mention of the manor of Betham. And it ſeemeth that either the above-ſaid monument is not the monument of the laſt Thomas de Betham, or that he was not attainted; otherwiſe it would ſcarcely have been permitted that his monument ſhould be ornamented with his armorial enſigns, nor indeed would he have been ſuffered to be interred there at all, after having forfeited his right of ſepulture in that place, and the property thereof transferred into other hands, and thoſe alſo of the oppoſite and prevailing party.

This manor is of the *Richmond Fee*; and by the ſurvey made in the 28 Cha. 2. amongſt the free rents then paid to queen Catharine, the earl of Derby ſtands charged with the annual payment of 2*l* 13*s* 4*d* for Bethom park.

The *hall* or manor-houſe at Betham was anciently a large handſome building, but is now in ruins. It is in a delightful ſituation, having the proſpect variegated with woods, water, and champion ground. It hath been built caſtle-wiſe, and by Leland and others is called a caſtle. Like all the other old houſes in the northern parts, it hath been built for defence as well as ornament.

ment. In all of them there was one large room called the *hall*, where they tranſacted all buſineſs, and according to the laudable practice of hoſpitality entertained and feaſted their friends and dependents; hence came the proverb,

'Tis merry in the hall,
When beards wag all.

College halls, and halls of trading companies, have ſome remains of theſe ancient cuſtoms.

The following is a deſcription of the caſtle and ruins, as ſurveyed by the preſent worthy vicar aforeſaid.—By an eaſy aſcent from the river, we come to a gateway, being the grand entrance into the caſtle-yard. Entering there, we find ourſelves in a fine large open area, 70 yards long by 44 in breadth. On the right appear to have been ſome buildings as low as the walls of the yard to the length of 98 feet, like barracks for the ſoldiers. On the left we have a charming view of the caſtle, ſtanding at the ſouth end of the area. The walls of the yard are $3\frac{1}{2}$ foot thick, with loop-holes for the archers, at proper diſtances. They are 12 foot high below the parapet. The loop-holes are about 3 foot from the ground, 2 foot and an half in height and breadth, ſloping outward to 3 inches and an half. The front of the houſe is in length 87 feet, of which the eaſt wing is 22, and the weſt 26. The remaining ſpace of 39 feet makes the hall, which is in breadth 25 feet. The windows in the hall are high up in the wall, and ſmall in proportion to the room, with much Gothic work about them. Indeed, in all the old houſes in the country the windows (for the ſake of defence) have been ſmall, and ſtrongly ſecured with croſs bars of iron. The doors of the rooms are all little, and one above another through each ſtory. Up one pair of ſtairs there hath been a chapel, with a back ſtaircaſe to it, whereby the tenants and neighbours might come to the chapel without diſturbing the family. Southward from the caſtle, there is a fine deſcent, at the foot of which is a good ſpring that ſupplies two large ponds with water.

Behind the houſe was the *park*, and in one of the walks there are the remains of a lodge, and near it a ſpring of good water, which Camden ſays had a petrifying quality, but there is little or no appearance of ſuch quality at preſent.

Within this diviſion is *Cappleſide* demeſne, where anciently was an hall of conſiderable dimenſions; containing in front, including the two wings, 117 feet. It may ſeem, from its name, to have belonged to the *chapel*; for anciently this word was ſounded *Capel*, in like manner as the Latin *capella*. This demeſne belonged to the Preſtons, and by marriage of one of the coheireſſes came to the Cliffords, and in the year 1767 was ſold by the preſent lord Clifford to Daniel Wilſon of Dallam Tower eſquire for 2560*l.*

Within this manor alſo is *Helſlack Tower*, now in ruins. Helſlack moſſes are remarkable for the ant or piſmire: About the middle of Auguſt, when they take wing, a thouſand ſea-mews may be ſeen here catching theſe inſects: The neighbours call them the piſmire fleet. In theſe moſſes are found likewiſe, as in many others, large trees lying in all directions at five foot depth.

In this diviſion likewiſe is *Arnſide Tower*, having the walls thereof not yet much decayed. Theſe towers ſeem to have been erected to guard the bay; as there are on the oppoſite ſide the veſtiges of Broughton tower, and Bazin tower; ſo there is Caſtle-head upon the iſland in Lindal Pow; and higher up, the moſſes of Methop, Ulva, and Foulſhaw, were inacceſſible. In the center of the bay is Peel caſtle.

In the river Betha is one of the two *catadupæ* or water-falls mentioned by Camden. The rock which croſſes the bed of the river 66 foot in breadth is 16 feet perpendicular, down which the water falls with a mighty noiſe. But in the ſummer ſeaſon the whole of the river is employed in carrying two corn-mills, one on each ſide; one of which mills, belonging to the earl of Derby, has two thirds of the water; and the other, belonging to Mr. Wilſon, has one third.

In the 7 Ed. 1. there is a patent for a free *fiſhery* in the water of Methop in Weſtmorland ‡.

The fiſhery in the river Betha belongs at preſent to the earl of Derby, the earl of Suffolk and Berkſhire, and Mr. Wilſon. The two laſt claim from St. John's croſs upon the ſands, up to another croſs of the ſame name above Betham bridge.

III.

HAVERBRACK.

This diviſion, like as the reſt, belonged to the barons of Kendal, and ſeems to have been a part only of the ancient manor of Betham. The church itſelf, which was given by Ivo de Talebois as aforeſaid to the abbey of St. Mary's York, ſtands in Haverbrack; and he and his ſucceſſors gave certain lands therein to divers religious houſes. Particularly, Margaret de Roſs gave the capital meſſuage and divers demeſne lands there to the priory of Coniſhead in Lancaſhire. And William de Haverbrec gave to the ſame priory a meſſuage in Haverbrec, with the gardens thereto belonging, and two acres of land adjoining to the ſame; alſo the land called Blacket Croft, with the meſſuages there; which Blacket Croft lies between the water of Betha and the demeſne of the ſaid William; with half an acre of turbary which lies without the ditch, and one perch of land between the gate of Betha and the land of the church, and ſeven acres of land with a meſſuage below Bethegate. Alſo Elias de Gyle granted to the canons of the ſaid place, all his lands at Haverbrec, and the fourth part of the mill of Haverbrec, with all the ſuit belonging to the ſaid fourth part, and a moiety of the garden which had belonged to William de Haverbrec. And Thomas ſon of Elias de Gyle granted to the ſaid canons all his lands at Haverbrec, with the appurtenances *.

‡ Denton. Dugd. MS.

* 2 Dugd. Mon. 424.

In

In the 37 Hen. 8. Haverbrack-hall, manor, and capital meſſuage, with divers appurtenances, late belonging to the priory of Coniſhead, were granted by the crown to *William Thornburgh* gentleman; to hold of the king *in capite* by the 20th part of one knight's fee, and a yearly rent of 18*s* 3*d*. †

And by an inquiſition after the death of the ſaid William, in the 7 Ja. 1. it is found, that he died ſeiſed of one capital meſſuage called *Dallam* (Daleham) *Tower*, with 60 acres of land; ſix other meſſuages, with 100 acres of land, in Betham, Patten, and Lupton; the moiety of one corn-mill called Heron mill in Haverbrack; two meſſuages and 40 acres of land in Methope; and two meſſuages and 40 acres of land in Ulvey. ‡

Another part of Haverbrack belonged to the Preſtons. The ſaid manor was afterwards purchaſed by three mine adventurers in proſpect of a lead mine *. Afterwards it was ſold to *Henry Parker* ſecond brother of lord *Morley*; and by *Edward Parker* eſquire was ſold to Mr. *Edward Wilſon*, great grandfather of the preſent owner *Daniel Wilſon* eſquire.

The ancient *hall* ſtood at the high end of what is now called Dallam Tower garden, which the ſaid William Thornburgh removed to the place where the ancient tower ſtood, out of the ruins whereof he built a commodious dwelling-houſe, which in the year 1720 was rebuilt in a beautiful and elegant manner by the late *Daniel Wilſon* eſquire. The park was made about the ſame time. Behind it is a grove of fine oak wood.

In the park, a little eaſtward from the hall, is a ſmall hill, on the top of which formerly was a caſtle, of a circular form; and the hill is yet called Caſtle-hill, and the ſide thereof Caſtle-bank.

In the turn of the river, oppoſite to the north part of the houſe, is *Dallam-wheel*, where formerly was a very rapid eddy. Three brothers, grown up to man's eſtate, were bathing in this place; the circling water ſucked in one of the brothers, the ſecond going to his relief likewiſe periſhed, and the third in the attempt to preſerve both met the ſame fate.

The firſt perſon of note of this family of *Wilſon* was *Edward Wilſon* of Nether Levins in the reign of king James the firſt. He was only farmer there, but acquired a very conſiderable eſtate; and it was ſaid of him, that though he had many houſes, he never lived in a houſe of his own.

He was ſucceeded by his kinſman and heir *Thomas Wilſon* gentleman; who had a ſon and heir,

Edward Wilſon eſquire, who married to his firſt wife Jane daughter of Gawen Brathwaite of Ambleſide eſquire, and by her had iſſue Edward his ſon and heir. To his ſecond wife he married Dorothy daughter of Richard Kirkby of Kirkby-hall in the county of Lancaſter eſquire, by whom he had iſſue Roger Wilſon eſquire, anceſtor of the late Roger Wilſon of Caſterton eſquire.

Edward Wilſon eſquire, ſon and heir of Edward, was commonly denominated of Parkhouſe, becauſe he reſided there during the lifetime of his father; which was an houſe in the park belonging to Thirland caſtle nigh Tunſtal in

† Rawlinſon. ‡ Idem. * Machel.

Lancaſhire, purchaſed by the firſt Edward. He married Katherine daughter of Sir Daniel Fleming of Rydal baronet, and by her had iſſue,

Daniel Wilſon of Dallam Tower eſquire, who married Elizabeth daughter of William Crowle of Hull in the county of York eſquire, and ſiſter of Richard Crowle a very eminent counſellor at law. By her he had iſſue ſix ſons and two daughters; and at his death in 1754, there were living four ſons, viz. 1. *Edward*, the eldeſt. 2. *George*. 3. *Thomas*, counſellor at law. 4. *Daniel*, a clergyman. And one daughter, *Dorothy*, married to William Fleming archdeacon of Carliſle, only ſon of Sir George Fleming of Rydal baronet, lord biſhop of Carliſle.

Edward Wilſon of Dallam Tower eſquire, ſon and heir of Daniel, married Dorothy eldeſt daughter of Sir William Fleming of Rydal baronet, and by her had iſſue 4 ſons and 7 daughters; and at his death in 1764, had living 3 ſons, *Daniel*, *William*, and *Edward*; and 6 daughters, *Dorothy*, *Elizabeth*, *Catharine* (ſince dead), *Barbara*, *Margaret*, and *Charlotte*.

Daniel Wilſon of Dallam Tower eſquire, ſon and heir of the laſt Edward, as yet unmarried.

The arms of Wilſon are; Argent, 3 wolves heads Sable, couped Sanglante. Creſt, a blazing ball.

By the aforeſaid ſurvey in the 28 Cha. 2. Edward Wilſon eſquire ſtands charged 2*s* for Haverbrack, of the *Marquis Fee*.

IV.

FARLETON.

This diviſion includes alſo Overthwaite and Akebank.

King Richard the firſt granted to Gilbert ſon of Roger Fitz-Reinfred and his heirs 4 carucates of land in Farleton; and at the ſame time releaſed to him the rents of all his lands in Weſtmorland and in Kendale; and (amongſt the reſt) the rents of the market of Kendale, the foreſt of Kendale, and the lands of Preſton, Farleton, and Lupton *.

In the 49 Ed. 3. at the ſame time that Ralph de Bethome held the manor of Bethome of Joan de Coupland as of her manor of Kirkby in Kendale, *Nicolas de Haverington* held of the ſaid Ralph the manor of Farleton as of the manor of Bethome.

The ſaid *Nicolas de Haverington* had 2 ſons; the elder, Sir *James Harrington* knight, from whom deſcended an elder branch of Harringtons; the younger ſon was Sir *William Harrington* knight, who married Margaret daughter and heir of Sir Robert Nevill, and by her had iſſue, 1. Sir *John Harrington*, who was ſlain a day before his father at the battle of Wakefield in the 39 Hen. 6.—2. Sir *James Harrington*, who ſucceeded to the manor of Farleton, and was attainted in the 1 Hen. 7. for having ſided with the houſe of York. 3. Sir *Robert Harrington*, who was alſo attainted for the ſame cauſe †.

* Dugd. MS. † Flem.

On

On this attainder, the eſtates being confiſcated, king Henry the ſeventh granted the ſame to Sir *Edward Stanley* knight, a younger ſon of the firſt earl of Derby, for his perſonal ſervices in the Lancaſtrian cauſe.

Thus in the 4 Hen. 7. there is a grant by that king to *Edward Stanley* knight, *pro corpore ſuo*, of the manor of Farleton in Louneſdale in the county of Lancaſter, and the manor of Farleton in Kendale in the county of Weſtmorland, (with other places elſewhere) which lately belonged to *James Harrington* knight, and which by reaſon of the forfeiture of the ſaid *James* came to the hands of the king: To hold to the ſaid *Edward* and the heirs male of his body, of the king and his heirs for ever; without any account to be made to the king for the ſame *.

And in the 5 Hen. 8. after the death of the ſaid *Edward Stanley* lord *Monteagle* (which title he had given to him by king Henry the eighth for his ſervices in war, having reference particularly to a *mount* or hill which he won in attacking the Scots at the battle of Flodden-field, and thereby obtained the victory, and alſo to the creſt of his anceſtors, in which they bore an eagle)—the inquiſition finds, that in the firſt year of king Henry the ſeventh, one *James Harrington* knight, for certain horrible treaſons on the firſt day of Auguſt in the ſaid year by him committed, was convicted and attainted, and thereby forfeited to the king all his poſſeſſions; whereupon the ſaid king granted to the ſaid *Edward Stanley* lord *Monteagle*, by his letters patent bearing date the 8th day of March in the 4th year of his reign, the manor of Farleton in Lonſdale in the county of Lancaſter, and the manor of Farleton in Kendale in the county of Weſtmorland: And that the ſame ought to deſcend to the heirs male of the ſaid *Edward*, and the reverſion thereof to the ſaid king Henry the ſeventh, which now is in our lord the now king, ſon and heir of the ſaid king Henry the ſeventh †.

The arms of Harrington were; Sable, a frette Argent.

After this, we find the manor of Farleton in the hands of Sir *Richard Hutton* of Gouldſborough in Yorkſhire knight, one of the juſtices of the court of common pleas, whoſe deſcendents in the year 1693 ſold the tenements to freehold, there being then 19*l* 17*s* 5*d* cuſtomary rent; and now remains only a free rent of 24*s* yearly to the earl of Derby as ſuperior lord.

At a ſmall diſtance from the village of Farleton, is an high hill called *Farleton Knot*; on which, in the time of the Scotch incurſions, a beacon was ſuſtained for communicating intelligence.

The abbot and convent of *Shap* had certain lands at Farleton, which at the time of the diſſolution were in the poſſeſſion of John Gibbonſon and the wife of John Hutton.

* Dugd. MS. † Idem.

V.

WITHERSLACK.

WITHERSLACK, METHOP, and ULVA, are included within a peninſula (as it were) between Winſter beck, Brigſteer moſs, and the Sands. *Methop* and *Ulva*, though diſtinctly named in the title and deſcription of this manor, yet make but a ſmall part of it, containing only about ten families in the whole: Whereas *Witherſlack* alone contains near 40 families.

This manor did alſo belong to the *Harringtons*; and in the 10 Ed. 3. a fine was levied thereof to *John de Haverington* for life, remainder to *Michael* his eldeſt ſon in tail male, remainder to *Thomas* his ſecond ſon in tail male, remainder in like manner to *John* his third ſon, remainder to his own right heirs *.

In the 14 Ed. 3. the ſaid *John de Haverington* obtained a charter of free warren in his manor of Witherſlack †.

On the attainder of the *Harringtons* as aforeſaid, the ſaid manor was granted by king Hen. 7. to Sir *Thomas Broughton* of Broughton Tower in Lancaſhire; and on the attainder of Sir Thomas, for having been concerned in the affair of Lambert Simnel, was granted by the ſaid king to *Thomas* lord *Stanley* the firſt earl of *Derby*.—And here it may not be amiſs to rectify a miſtake in lord Bacon's hiſtory of that king, who ſaith, that this Sir *Thomas Broughton* was ſlain at Stoke near Newark on the part of the counterfeit Plantagenet Lambert Simnel; whereas Sir *Thomas Broughton* eſcaped from that battle hither into Witherſlack, where he lived a good while *incognito*, amongſt thoſe who had been his tenants, who were ſo kind unto him as privately to keep and maintain him, and who dying amongſt them was buried by them, whoſe grave Sir Daniel Fleming ſays in his time was to be ſeen there.

The *Derby* family were great ſufferers in the civil wars in king Charles the firſt's time. The hall and demeſne were conveyed to *John Laybourn* of Cunſwick eſquire for about 130*l*, which was ſuppoſed to have been a mortgage; but the defeiſance, if there was any, did not appear. The *Laybourns* continued at Witherſlack in poſſeſſion, till the direct male line failed in coparceners; one of whom was married to Dr. *Marmaduke Witham* of Yorkſhire: And the other coparceners died without iſſue. This eſtate was ſettled on the iſſue of that marriage, and on failure thereof, remainder to the right heirs of *Witham*. Dr. *Witham* had by that marriage a ſon *John Witham*. Againſt this *John Witham* the preſent earl of *Derby* claimed the eſtate, by virtue of a ſettlement by act of parliament, firſt upon the Stanleys of Lynſham in the ſouth, and then upon the Stanleys of Lancaſhire; and that branch in the ſouth being all extinct, and the late earl James being dead without iſſue, he claimed as next of kin in remainder of the Lancaſhire branch. At the aſſizes at Appleby in 1743, a ſpecial verdict was found, upon this point, Whether a recovery ſuf-

* Denton. † Idem.

fered

fered by one of the *Labourns* was properly executed or not. And on appeal to the houſe of lords, the queſtion was determined in favour of his lordſhip. In about 12 years afterwards, an ejectment was brought againſt his lordſhip by the heir at law on the *Labourn* ſide, in order to have the ſame point tried over again, and a jury was ſummoned from Weſtmorland to try the cauſe at the bar of the court of king's bench in 1759, and whilſt in purſuance thereof the jury were attending, the original ſettlement was found, whereby it appeared that the eſtate was ſettled and limited as aforeſaid to the *Withams* and not to the *Labourns*, and the cauſe thereupon on that iſſue was at an end. And the ſaid earl having levied a fine, which by the ſtatute had run, all claim under the ſettlement was precluded.

The *park* at Witherſlack, when the Labourns inhabited there, was well ſtocked with fallow deer.

At this place there is a remarkable range of rocks called *Whitbarrow Scar* (from *white* the colour of the ſtone, and *barrow* a hill), which affords a romantic proſpect to the country all about.

The tenants are moſt of them cuſtomary, arbitrary, and heriotable.

By reaſon of their great diſtance from the pariſh church, a *chapel* was anciently erected, about 20 yards ſouth from the hall; and endowed with a ſalary of 20 nobles, part of which was paid by divers of the inhabitants of the pariſh of Heverſham, for their convenience of reſorting to the ſaid chapel: But ſince the building of the new chapel, the ſaid payment hath ceaſed. Which new chapel was erected by Dr. John Barwick, dean of St. Paul's, who was born near the place where the chapel now ſtands. It was conſecrated by biſhop Wilkins in the year 1671, by the name of the chapel of St. Paul in the town of Witherſlack in the pariſh of Betham; with a clauſe, as is uſual in like caſes, that the ſame ſhall be in no wiſe prejudicial to the mother church. It hath an handſome ſteeple, with three bells.

In the eaſt window, which is very ornamental, having five double lights, are two coats of arms: The firſt is the *Derby*'s, quarterly of eight. 1. Argent, a bend Azure charged with 3 bucks heads caboſhed Or. 2. Gules, three arms, legs, and feet in triangle Argent. 3. Gules, four bars Argent, and a chief Or, charged of all with a lion rampant Or. 4. Quarterly, Gules and Argent, in a quarter of the firſt a mullet of the ſecond. 5. Or, a cheveron Gules, between three eagles diſplayed Azure. 6. Azure, three flower de lis Or. 7. The ſame, with a battoon Gules. 8. Or, a ſerpent Azure devouring a child from the feet upwards: Impaling; Azure, an eagle volant Or. The creſt; On a chapeau Gules, turned up Ermine, an eagle Or, preying upon a child in a cradle Proper.—Motto; Sans changer.

The ſecond is: The *Deanry of St. Paul's*; Gules, 2 ſwords in ſaltier, with points to the points of the eſcutcheon, hilted Or. Impaling *Barwick*, viz. Argent, a red roſe between three bears heads eraſed Proper, bridled Gules. Motto, Adverſis ſervata fides.

The curate's houſe is about 30 yards ſouth from the chapel, deſigned alſo for a ſchool-houſe, the curate being required by dean Barwick's eſtabliſhment to teach the children of the inhabitants *gratis*.

The earl of Derby, lord of the manor, allowed ground upon the common for a chapel-yard and for the ſchool-houſe.

The curate is to be appointed by feoffees in truſt, and by them to be nominated to the biſhop.

For the ſupport and maintenance of which curate, the ſaid Dr. John Barwick, by his will bearing date Oct. 21, 1664, reciting, that whereas the village or hamlet of Witherſlack is four or five miles diſtant from the pariſh church, and is cut off from it by an interpoſition of an arm of the ſea twice every day, and is both troubleſome and dangerous for paſſage, eſpecially for burial of the dead from the ſaid village, doth therefore deviſe the impropriate rectory or parſonage of Lazonby in the county of Cumberland (to which his brother Peter Barwick, M. D. phyſician in ordinary to king Charles the ſecond, added the capital meſſuage or demeſne eſtate of Hareſkeugh nigh Kirk Oſwald) for the purpoſes of building a chapel, and allowing to the curate thereof 26*l* a year, 40*s* yearly to the vicar of Lazonby, 4*l* yearly for the repairs of Witherſlack chapel and providing utenſils and ornaments for the ſame, and 10*l* yearly to the binding out poor apprentices or marrying poor maids within the ſaid chapelry, and the reſidue of the rents and profits (if any there be) to be diſpoſed of to any of the ſaid uſes as the truſtees ſhall agree.

And from the above donation appears in part the inconvenience of limiting a certain ſum of money on the like occaſions; which though agreeable to the intentions of the donor at that particular juncture, yet ſoon becomes inadequate by the alteration of circumſtances. And this would have been the caſe here, if proviſion had not been made for diſpoſal of the ſurplus. The ſum of 26*l* a year was then deemed a competent proviſion for the maintenance of a curate, being at that time at leaſt double the value of the like ſum at this day; that is, it would purchaſe as much of any of the accommodations of life, as double the ſum will purchaſe at preſent. At the foundation of the ancient chapel at this place, twenty nobles were ſet apart for the curate's ſtipend. And more anciently, by a canon of the church in archbiſhop Sudbury's time, the general ſalary for curates was limited to 16 nobles a year; and before that, by a canon of archbiſhop Iſlip, to 12 nobles. All theſe proviſions and limitations did intend one and the ſame thing; and the incompetency hath ariſen from the progreſſive continual diminution of the value of money. In the preſent caſe, over and above the limited ſums, the aforeſaid demeſne and impropriate rectory produce annually a clear ſum of about 100*l*. Out of which, the truſtees have been inabled to contribute towards procuring augmentations to the chapel from the governors of queen Anne's bounty, and in future times may be inabled to raiſe competent diſtinct ſalaries both for a curate and ſchoolmaſter, if the curate ſhall deſire to be exempt from that charge himſelf. In the mean while, a court of equity probably would direct the ſurplus to be diſtributed according to the reſpective proportions eſtabliſhed by the donors, as being leaſt liable to the objection of partiality or miſapplication of any kind.

Beſides the above diſpoſitions, the ſaid Dr. John Barwick by his will aforeſaid gave 300*l* to St. John's college in Cambridge; 100*l* towards the repair of St. Paul's cathedral; 20*l* to Sedbergh ſchool; the works of king Charles the martyr in two volumes folio to Sir John Otway, as a memorial of his thankfulneſs for the great pains and hazard Sir John underwent at his intreaty, towards the reſtoration of king Charles the ſecond. And after divers other legacies to his relations and others, he gave the reſidue to the poor.

His ſaid brother Dr. Peter Barwick gave to Witherſlack chapel rich and elegant furniture for the pulpit and communion table: and cauſed a monument of white marble to be put up, with the following inſcription;

REVERENDUS admodum et primævæ pietatis vir,
JOHANNES BARWICK, S. T. D.
Hic in vicinia natus,
Qui poſt operam indefeſſo ſtudio navatam,
Afflictiones infracto animo toleratas,
Res tandem, licet ſumme arduas, feliciter geſtas,
Pro collapſo regni et eccleſiæ ſtatu,
Ad curam et dignitatem Decanatus,
Primo Dunelmenſis, deinde Paulini,
Merito evectus,
Hanc ædem
In Dei honorem et ſuorum gratiam,
Structam et dotatam voluit,
Et bonorum reſiduum egenis legavit.
A. D. 1668*.

The preſent ſalary of the curate of this chapel (including the ſchoolmaſterſhip) is as follows:—Of the ancient ſalary, after the deduction made as aforeſaid by the inhabitants of the pariſh of Heverſham, there remaineth 4*l* 16*s* 8*d*. A cottage-houſe, garden, and peat-moſs, worth yearly about 3*l*. Dean Barwick's augmentation 26*l*. And in 1749, an augmentation of 200*l* was procured from the governors of queen Anne's bounty; towards the obtaining whereof, the aforeſaid truſtees of dean Barwick contributed 120*l*, the late commiſſary Stratford 30*l*, and the preſent curate 50*l*. And in 1759, another like augmentation was procured; towards the obtaining whereof the aforeſaid truſtees contributed 100*l*, and the executors of the ſaid commiſſary another

* Mr. *Walker*, in his *Sufferings of the Clergy*, Part 2. page 20. ſays of him, that after being deprived of his prebend of Durham and of his fellowſhip of St. John's college in Cambridge, though he was then in a very weak and ſickly condition, he both undertook and managed ſucceſsfully many matters of the greateſt difficulty and danger in the cauſe of the king and of the church, and for that reaſon was ſhut up in a dire and loathſome priſon, where he ſuffered inhuman and barbarous uſage, and was near famiſhed, being fed only with bread and water for ſeveral years: Which, however, had an effect much beſide that which his proſecutors intended, as conducing in a ſurprizing manner to the recovery of his health; which the learned Dr. Sydenham takes notice of as a thing very well worth remark, in theſe words, "In languido hoc ſtatu, cum vir egregius, "regiis partibus tunc temporis tyrannide oppreſſis, faviſſe deprehenſus eſt, ac in arctiſſimum car- "cerem conjectus, loco potus ordinarii meram aquam biberet, præter omnem ſpem et expectationem "revaluit."

100*l.* The lands purchaſed with the ſaid benefactions yield 28*l* a year. So that the ſum total of the preſent income is 61*l* 16*s* 8*d.*

The preſent worthy curate, the reverend John Hunter, hath executed the office of ſchoolmaſter for many years, with honour to himſelf, and much advantage to the publick.

About a mile from the chapel, there is a well called *Holy-well*, which about the year 1656 was diſcovered to be medicinal. Unto which many perſons reſort in the ſummer ſeaſon for the cure of ſcorbutic and other diſorders. It is ranked by Dr. Short in the claſs of laxative and purging chalybeats.

Below Methop, there is an iſland called *Holme*, between Arnſide and Cartmell, which is ſometimes in Weſtmorland and ſometimes in Lancaſhire. The reaſon is, becauſe the water called Pow (Pool), which is the boundary, ſometimes runs on one ſide of it, and ſometimes on the other.

PARISH OF BURTON.

I. *Pariſh of Burton.*
II. *Manor of Burton.*
III. *Holme and Holme Scales.*
IV. *Preſton Patrick.*

I.

PARISH OF BURTON.

ADVANCING from the pariſh of *Greſmere* in the north-weſtern extremity of the barony of Kendal, by the pariſhes of *Windermere*, *Heverſham*, and *Betham*, we are now arrived at the furtheſt extremity towards the ſouth, and turn in the next place eaſtward along the ſouthern boundary to the pariſh of Burton, which is part in Kendal Ward, and part in Lonſdale Ward: from whence we ſhall afterwards proceed through the reſt of Lonſdale Ward; which will finiſh the barony of Kendal.

Burton is ſometimes called *Burton in Kendale*, to diſtinguiſh it from another Burton which is in Lonſdale in the county of Lancaſter.

It is pronounced by the natives and neighbouring inhabitants *Borton*, as in Domeſday-book it is written *Bortun*, which ſeem to point out the true derivation; not from *burgh*, which ſignifies a fortified place; but from the ancient *boro*, which is no other than the diſtrict of the frankpledge or tithing.

The pariſh of Burton is bounded on the Eaſt by the pariſh of Kirkby Lonſdale; on the ſouth by the pariſh of Warton in Lancaſhire; on the Weſt, by the pariſhes of Betham and Heverſham; and on the North, by the pariſh of Kendal.

This

This pariſh conſiſts of five diviſions, *viz.* Dalton (which is in Lancaſhire), Burton, Holme, Holme Scales, and Preſton Patrick; which two laſt join no where on any of the other diviſions, being ſeparated by Farleton in the pariſh of Betham: And it is ſaid there is a ſmall parcel of land, not belonging to this pariſh, which is ſurrounded with the townſhip of Burton.

The church is ſaid to be dedicated to St. *Helen*, indicated by a well about 60 yards north-eaſt from the church, which bears the name of that ſaint.

It is a vicarage, valued in the king's books at *15 l 17 s 3½ d.* The clear yearly value as certified to the governors of queen Anne's boonty *31 l 6 s 8 d.*

This church was given (amongſt the reſt), together with one carucate of land, by Ivo de Talebois to the abbey of St. Mary's York, and confirmed to that abbey by Gilbert ſon of Roger Fitz-Reinfred.

In 1359, it was appropriated to the ſaid abbey, reſerving a penſion of *40 s* yearly to the archdeacon of Richmond, *3 s 4 d* to the archbiſhop, and *3 s 4 d* to the dean and chapter of York. In 1460, the vicar's portion was ſet out as follows; *viz.* *20 l* a year, conſiſting of an houſe and garden, and a cloſe called Kirk-Butts, with all ſmall tithes, oblations, and mortuaries living and dead: he paying thereout *10 l 3 s 4 d* yearly to the ſaid convent, repairing the chancel, and bearing all burdens ordinary and extraordinary.

After the diſſolution of the monaſteries, the rectory of this church and advowſon of the vicarage were granted by queen Elizabeth in the 20th year of her reign to Edward earl of Lincoln and Chriſtopher Gough gentleman; with reſervation of a rent to the crown of *9 l 7 s 8 d*; to the ſchoolmaſter of Kendal *9 l 5 s 8 d*; to the curate of Hewgill *3 l 6 s 8 d*; and to the biſhop of Cheſter *2 l.*

The advowſon appears ſoon after to have been in the hands of the Middletons of Leighton in Lancaſhire. The laſt of whom, Sir George Middleton baronet, had a daughter and heir Mary, who by marriage carried the ſame to the Oldfields of Somerforth in Cheſhire, who ſold the ſame (together with the manor of Burton and demeſne of Claythorp-hall) to Mr. Beniſon of Hornby attorney at law; whoſe daughter, the preſent Mrs. Fenwick of Hornby, ſold the advowſon to Mrs. Hutton of Kirkby Lonſdale, who ſold the ſame to Mr. Lancaſter of Sedgefield in the county of Durham, who ſold the ſame to the preſent patrons Mr. Thomas Hutton of the pariſh of Kirkby Lonſdale, and Mr. Jeffrey Tenant of the pariſh of Bentham in Yorkſhire.

The *rectory* or great tithes appear to have been in the name and family of the Preſtons of Preſton Patrick; the laſt of whom had two daughters, married to the lords Montgomery and Clifford, between whom the inheritance was divided; lord Montgomery had the tithes of Burton, Holme, and Dalton, which came by purchaſe to colonel Francis Charteris grandfather of the preſent owner the honourable Francis Charteris; and lord Clifford had the tithes of Preſton Patrick and Holme Scales, which the preſent lord Clifford ſold ſome few years ago to Mrs. Gibſon of Lancaſter.

In the year 1732, in a cauſe between the pariſhioners and the vicar Mr. John Beniſon, the vicarial tithes and revenues of the church were aſcertained, and decreed in chancery; in which decree there are ſpecified divers parcels of

land holden in fee farm of Thomas Beniſon lord of the manor of Burton; and, amongſt others, the following remarkable particulars; for burial in the church or churchyard ſhall be paid 1 *s*, except of women that die in child-bed, for whom nothing is due; the modus for tithe lambs ſhall be double for the two firſt years after induction of a new vicar; and every perſon keeping a plough ſhall pay yearly 1 *d*, in lieu and full ſatisfaction of agiſtment of barren cattle, which laſt article ſeems contrary to the general rule of law, which doth not allow of one tithe being paid in lieu of another, and it ſhould ſeem to follow from hence that if a man doth not keep a plough he ſhall pay tithe of agiſtment.

The preſent vicarage-houſe and glebe were purchaſed with queen Anne's bounty money. The aforeſaid incloſure called Kirk-Butts hath been ſeiſed by the lords of the manor, who were for ſome time patrons alſo of the advowſon.

The *church* is a pretty good old building, with two rows of pillars; and a ſquare tower, with three bells. There are two iles; one on the north ſide, belonging to Dalton-hall; and the other on the ſouth ſide belonging to Preſton-hall.

Nigh to the churchyard wall on the eaſt ſide, is the *ſchool*; with a ſmall endowment, being the intereſt of ſeveral ſums of money contributed by the inhabitants, to the amount of about 117 *l*. The ground on which it is ſituate was given by Mr. John Hutton of Burton, anceſtor of the preſent worthy vicar the reverend John Hutton. Another gentleman of the ſame name, a native of Burton, by his will dated in the year 1697, gave 40 *s* yearly to the poor of the pariſh of Burton, and 20 *s* to the poor of the pariſh of Cockfield in the county of Durham, out of his eſtate at Hindon in the ſaid pariſh of Cockfield. The reſidue of the rents and profits of the ſaid eſtate he gave to a ſchoolmaſter at Burton, who ſhould be maſter of arts of Oxford or Cambridge, and officiate every Sunday as curate at Preſton chapel. The ſaid ſchoolmaſter to be choſen by a majority of houſholders within the pariſh. In defect of ſuch ſchoolmaſter, then the ſaid reſidue to go to the poor of the pariſh of Burton and the poor of the pariſh of Betham, to each an equal ſhare. It is probable he expected ſome larger benefactions to the ſchool: for this whole eſtate at preſent yields no more than 13 *l* a year. The chapel, as it ſeemeth, had then no curate, and he intended this as a kindneſs to the inhabitants, and not as thinking to impoſe a curate by his own authority. Though this happened to be the occaſion of ſome doubt afterwards concerning the manner of appointing the curate.

II.

MANOR OF BURTON.

Burton is moſtly of the Marquis Fee, and the lord thereof pays a yearly quit rent of 1 *l* 11 *s* to the crown.

King Richard the firſt granted to Gilbert ſon of Roger Fitz-Reinfred two carucates of land in Borton, and four carucates in Preſton and Holme.

The manor ſeems to have been then or ſoon after granted to a family of the name *de Burton:* for when this ſame Roger Fitz-Reinfred was obliged to give hoſtages for his fidelity to king John, one of the ſaid hoſtages was the heir of *Roger de Burton.*

In the 25 Ed. 1. *Roger de Burton* knight (probably grandſon of the former) was one of the witneſſes, together with *Richard de Preſton* and *Matthew de Redman* knights, to a grant of lands at Old Hutton and Holme Scales, by John de Culwen to Patrick de Culwen his brother.

In the 26 Ed. 1. *Roger de Burton* repreſented the county of Weſtmorland in parliament.

After this, we have found nothing more concerning the family *de Burton*; moſt probably it ended in daughters: for in the 4 Hen. 7. after the attainder of Sir James Harrington, the inquiſition finds, that he was ſeiſed of a *moiety* of the manor of Burton in Kendale.

This manor appears to have been ſome time after in the hands of the Middletons of Leighton, whoſe heir female was married to Oldfield, who ſold the manor to Thomas Beniſon of Hornby eſquire, whoſe daughter and heir carried the ſame by marriage to John Fenwick of Borrow-hall eſquire, whoſe brother and heir Thomas Fenwick eſquire, in purſuance of an act of parliament for that purpoſe, ſold the ſame to Thomas Pearſon eſquire, the preſent owner.

The hall or manor-houſe is about a quarter of a mile ſouth from the church, and is now converted to tenancy.

The tenants only pay a twopenny fine, that is, doubling the rent; and no heriot.

The town of Burton is tolerably well built, and a pretty good thoroughfare between Kendal and Lancaſter. It was procured to be a market-town in 1661, by Sir George Middleton aforeſaid; the market-day to be on Tueſday in every week, and two fairs yearly on April 23, and Whitſun-Monday. It is ſaid to be the largeſt corn market in the county, the corn being brought chiefly out of Lancaſhire, and ſold to the dealers at Kendal, Sedbergh, and other places.

To the weſt of Burton and Holme is a large tract of marſhy ground, conſiſting chiefly of peat-moſs. The inhabitants are at preſent occupied in draining theſe moſſes, having expended ſome hundreds of pounds therein. The main drain is between two and three miles long, about four yards broad, and two yards deep: beſides ſeveral ſmaller, and many private drains. At the bottom of the peat moſs, is a bed of whitiſh earth, which is neither ſand, nor clay, nor marl, and yet in ſome reſpects reſembles each of them. It every where abounds with innumerable ſmall ſhells of the ſnail and periwinkle kind, and ſuch as appear ſometimes in limeſtone and marble. There are alſo trunks of large trees, both of fir and oak.

III.

HOLME AND HOLME SCALES.

About a mile and an half north from the church is the village of HOLME; which was anciently divided between two lords, of the names of Preſton and Tunſdal: And hence one half of the tenants are heriotable, and the other not. The Tunſdal tenants were free from heriots, but deeper charged in their rents. They lie interſperſed, and are only diſtinguiſhable by their rentals.

Here is no manor-houſe, but a large park, called Holme-Park, about three miles in circumference; which in Sir Thomas Preſton's time was well repleniſhed with fallow deer.

HOLME SCALES belonged anciently to Holme, and is in the pariſh of Burton; but it is in the chapelry and conſtablewick of Old Hutton. This alſo belonged to the Tunſdals and Preſtons, and after came to the Preſtons only.

The preſent lord of theſe manors is the aforeſaid Francis Charteris eſquire.

IV.

PRESTON PATRICK.

It is moſt likely, that *Preſton Patrick* received its preſent denomination from the ſame perſon who gave name to *Bampton Patrick*. *Bampton* and *Preſton Patrick* belonged both to the ſame family, deſcended from Ivo de Talebois firſt baron of Kendal after the Conqueſt. And the individual perſon of that family, from whom both theſe places received their denomination was, very probably, *Patricius de Culwen*, anceſtor to the *Curwens* of *Workington*, who was grandſon of Thomas ſon of Coſpatrick who gave lands and poſſeſſions to the abbey at Preſton about the year 1119, which abbey was afterwards removed to Shap. Which Coſpatrick was ſon of Orme, ſon of Ketel, ſon of Eldred, ſon of Ivo de Talebois aforeſaid.

Preſton is by ſome ſuppoſed to have been ſo called from the abbey aforeſaid, as much as to ſay *Prieſt-town:* But if it had this name upon any ſuch religious account, it was before the foundation of the abbey many years; for at the time of the Conqueſt it was called *Preſtun.*

The grant of *Thomas* ſon of *Coſpatrick* to the ſaid abbey was to the following effect: "To all ſons of our holy mother the church, as well preſent as to "come, who ſhall ſee or hear this preſent writing, Thomas ſon of Coſpatrick "ſendeth greeting. Know ye, that I have given and granted, and by this "my preſent charter have confirmed to God and St. Mary Magdalene and the "canons of Preſton who are of the order of Præmonſtratenſes, in free, pure, "and perpetual alms, for the health of the ſoul of myſelf, and my wife, and "all my anceſtors, one portion of my land in Preſton in Kendale, to make a

"manſion

" manſion of canons, to wit, my whole demeſne park below Lackſloſt, and " in Lackſloſt, to the way which comes from Preſton Uchered; and from " thence following the way, unto the way which comes from Holme; and ſo " following the way from Holme, unto the ſike which comes from Haſald- " mire; and by the ſame ſike to the water which is the diviſion between the " two Preſtons; and ſo going up to the aforeſaid way of Lackſloſt. More- " over I have given to them all the land below the way of Wathſudden unto " Stainebrigge, and all the land of Stainbrigge unto Brackenthwaite, as the " wood and the plain divide; and ſo to the land of Richard ſon of Sigith; " and ſo to the way which comes from Stainbrigge to the boundary of Farle- " ton; that is, all the land which belonged to Michael ſon of Helene. And " ſo following the diviſion of Farleton, to the boundary between the two " Preſtons; and ſo going up to the aforeſaid way of Wathſudden: Except " half of the meadow of Mireſbrigge, and ten acres of land [not legible " where]. And all that land from above Wathſudden, namely, where the " chapel of the Infirmary ſtood. They ſhall have alſo of my wood, as much " as they will, and as they now have, without the view of my foreſters; and " the bark alſo of the wood which they ſhall cut down. Alſo, I grant unto " them free common within the boundaries of Preſton, with all other eaſments " and liberties which belong to the aforeſaid village of Preſton; in wood and " in plain, in ways and in paths, in waters and in mills; and feeding alſo or " pannage for their hogs, and the tithe of my pannage. And they ſhall grind " at my mill without multure, whenſoever they ſhall come, and as ſoon as " the mill ſhall be empty. And I will that the ſaid canons ſhall have and hold " the ſame peaceably, fully, and honourably, in free, pure, and perpetual " alms, without any ſecular ſervice, cuſtom, or payment. And I and my " heirs will warrant to them this donation againſt all men for ever *."

After the diſſolution of the monaſteries, theſe poſſeſſions coming into the hands of the crown, were granted by king James the firſt to Philip lord Wharton, in whoſe poſterity they continued till the late duke of Wharton's time, when they were purchaſed by Robert Lowther of Mauls Melburn eſquire; father of the preſent owner Sir James Lowther baronet.

How long Preſton Patrick (excluſive of what was given to the abbey aforeſaid) continued in the Talebois family, after the ſaid *Patricius de Culwen*, hath not appeared to us. After ſome intermiſſion, we find this, as well as Preſton Richard, and many other places both in Weſtmorland and Lancaſhire, in the name and family of Preſton, who ſeem to have been firſt poſſeſſed of Preſton Richard, and from thence to have removed, and finally ſettled at Preſton Patrick. Which family we have deduced at Preſton Richard, through a long ſucceſſion of perſons of the ſame individual name of *Richard de Preſton*, until we come down to a family pedigree, which is as follows:

I. JOHN DE PRESTON knight; who in the 36th, 39th, and 46th of Ed. 3. was one of the knights choſen to repreſent the ſaid county in parliament.

* 2 Dugd. Monaſt. 594.

II. RICHARD

II. RICHARD DE PRESTON, in the 14 Ric. 2. held the manor of Preſton Richard of Sir William Parr knight. He died without male iſſue, and was ſucceeded at Preſton Patrick by his brother (as it ſeemeth) *viz.*

III. Sir JOHN PRESTON knight, who in the reigns of king Hen. 4. and Hen. 5. was a juſtice of the court of common pleas; and being grown very old and infirm, he reſigned his office in the 6 Hen. 6.—He had iſſue, 1. *John*, a clergyman; who in the 2 Hen. 5. had a grant of the church of Sandal from the prior of St. Pancraſs. 2. *Richard*, who ſucceeded to the inheritance.

IV. RICHARD PRESTON eſquire. He married Jacobine, a daughter of Middleton of Middleton-hall. And in the 30 Hen. 6. he and his ſaid wife obtained a licence from the archdeacon of Richmond, to have an oratory within the manors of Preſton and Levens.

V. THOMAS PRESTON eſquire, ſon of Richard, married a daughter of Redman of Twiſleton; and had iſſue,

VI. JOHN PRESTON eſquire, who married a daughter of Redman of Harwood; and had iſſue,

VII. Sir THOMAS PRESTON knight; who married Anne daughter of William Thornburgh of Hampsfeld eſquire, and by her had iſſue, 1. *John*, who ſucceeded as heir at law. 2. *Chriſtopher Preſton* of Holker, from whom did deſcend the Preſtons of Holker. 3. *Anne*, married to William Baniſter of Bolland in Lancaſhire. 4. *Elianor*, married to Sir James Labourn of Cunſwick. 5. *Jane*, married to William Lamplugh of Dovenby eſquire. 6. *Dorothy*, married to William Travers of Nateby in Lancaſhire. 7. *Elizabeth*, married to Robert Cansfield of Robert-hall in Lancaſhire. 8. *Catharine*, married to judge Carus.—This Sir Thomas died in the 15 Hen. 8. and by inquiſition after his death the jurors find, that he died ſeiſed (in Weſtmorland) of the manors of Preſton, Holme, Nether Levins, and Heverſham; and that *John Preſton* was his ſon and heir, and was then of the age of 12 years.

VIII. JOHN PRESTON (of the manor in Furneſs), eſquire, married Margaret daughter of Sir Thomas Curwen of Workington; and had iſſue, 1. *Thomas*. 2. *Margaret*, married to Roger Kirkby of Kirkby eſquire. The ſaid John married to his ſecond wife the widow of Redman of Levins.

IX. THOMAS PRESTON, ſon and heir of John. He married Margaret daughter of John Weſtby of Mowbreck in Lancaſhire; and had iſſue,

X. JOHN PRESTON eſquire; who married Frances daughter and heir of Richard Holland of Denton in Lancaſhire, and by her had iſſue, 1. *Thomas*, who died young. 2. *John*, who ſucceeded his father in the inheritance. 3. *Anne*, who died young. 4. *Margaret*, married to Sir Francis Howard ſecond ſon of the lord William Howard of Naward. 5. *Agnes*, married to Anderton of Loſtock. 6. *Elizabeth*, married to Frances Downes of Wardley in Lancaſhire.

In the 13 Cha. 1. this *John Preſton* ſettled the manors of Preſton Patrick, Nether Levins, and Holme, and other his hereditaments in Weſtmorland, on the iſſue of the marriage of his ſon John with Jane one of the daughters and coheirs of Thomas Morgan of Moſton in Wales eſquire.

XI. Sir

XI. Sir JOHN PRESTON baronet, by his ſaid wife Jane Morgan, had iſſue 1. *John*. 2. *Thomas*. 3. *Anne*, married to William Gerard of Brin eſquire. 4. *Elizabeth*, married to William Stourton eſquire, ſon and heir of baron Stourton.

XII. Sir JOHN PRESTON baronet, ſon and heir of the laſt Sir John, died unmarried; and was ſucceeded by his brother,

XIII. Sir THOMAS PRESTON baronet, who was a prieſt of the Romiſh church; but on the death of his brother, he married Mary daughter of Carill viſcount Molineux of Maryburgh in Ireland; and by her had iſſue, 1. *Mary*, married to William Herbert viſcount Montgomery, ſon of William marquis of Powis. 2. *Anne*, married to Hugh lord Clifford. His ſaid wife the lady Mary died before him in the year 1673, and was buried in the ſouth ile of the chancel of Heverſham church, whoſe monument remaineth there to this day. And Sir Thomas becoming a widower, was perſuaded by the Romiſh prieſts to return to his former function. Upon which, he ſettled his Weſtmorland eſtate on his two daughters, and went beyond the ſeas; having firſt ſettled his Lancaſhire eſtate, called The Manor, upon the Jeſuits. On which grant there was a trial in the exchequer, and the eſtate was adjudged forfeited to the king; who ſeized upon the ſame, and granted a leaſe thereof to Thomas Preſton of Holker eſquire.

As to the reſt, in the partition of the eſtate, the manor of Preſton Patrick was aſſigned to the elder ſiſter, in whoſe family it continued till the year 1717, when William Herbert eſquire commonly called duke of Powis and Mary his wife, and William Herbert commonly called lord Montgomery (their ſon and heir apparent), conveyed to *Francis Charteris* of Hornby-caſtle eſquire the manors of Preſton Patrick and Holme, with the capital meſſuage or manſion-houſe called Preſton-hall; and fee farm rent of 15*s* 4*d*, being the tithe hay ſilver of Preſton Patrick aforeſaid; and alſo all thoſe parks or lands commonly known by the names of Holme Park, Lodge Park, and Wood Park, containing by eſtimation 185 acres; and the tithes and tithe barns of Dalton, Holme, and Burton; and the lands called Hutton Park, containing by eſtimation 137 acres, and cuſtomary rents of 42*l* 8*s* 3*d*, with fines and heriots.

Finally, in 1773, *Francis Charteris* of Hornby-caſtle eſquire, grandſon of the aforeſaid Francis Charteris, granted the infranchiſement of the ſaid manor, for the ſum of 5130*l*, to William Bateman, Thomas Cartmell, and Richard Wright, in behalf of themſelves and as many other of the tenants as ſhall chuſe to purchaſe.

The ſaid manor-houſe of *Preſton-hall* is an old building, in a low, damp, and moiſt ſituation, but now converted into a good farm-houſe: Part of the ancient fabric ſtill remains, particularly two large arched rooms, which ſeem to have been cellars.

On the weſt ſide of the hall is the *park*; in the north end whereof is the keeper's houſe; and in the time of the Preſtons the ſaid park was well repleniſhed with fallow deer.

Next to Preſton-hall, the moſt conſiderable place is *Challen-hall*, belonging to Mr. Roger Dickinſon, who hath lately rebuilt the ſame in a neat and hand-

ſome manner. In which anciently have been, and are ſtill kept, the courts for the Lowther tenants in this manor. It was anciently called *Chanon-hall*, probably from its having belonged to the canons or monks of the abbey *.

In the middle of the park ſtands the *chapel*, about a quarter of a mile from the hall. It is a neat, handſome building, ſtanding on an eminence, with a fine proſpect every way. There is a well about 200 yards diſtant from the chapel eaſtward, called St. Gregory's well; which leads probably to the name of the ſaint, to whom the chapel is dedicated.

Mr. Machel takes notice of a yew tree in the chapel-yard, which he ſays was very old and decayed (*viz.* in the year 1692); which ſhews, he obſerves, the antiquity of the chapel. The yew tree is there yet, which ſhews alſo the longevity of that ſpecies of wood. Theſe yew trees in church and chapel yards ſeem to have been intended originally for the uſe of archery; the beſt bows being made of that wood, and our anceſtors having remarkably excelled in that kind of exerciſe. But this is only matter of conjecture; antiquity having not furniſhed any account (ſo far as we have been able to find) of the deſign of this kind of plantation.

There is no dwelling-houſe belonging to the curate; but an ancient ſalary of five marks a year, payable out of the reſpective tenements within the chapelry. By the ſmallneſs of which ſalary, this ſeemeth not to have been the oratory for which Richard Preſton obtained a faculty in the 30 Hen. 6. for at that time no chapel ſeems to have been allowed without ſetting apart for the curate juſt double the ſalary of five marks, *viz.* 20 nobles (the reaſon of reckoning by marks and nobles was becauſe their coins were of that denomination).—So that the foundation of this chapel ſeems to have been much earlier than the reign of king Henry the ſixth. But the faculty for an oratory which Richard Preſton obtained, was probably a licence to keep a domeſtic chaplain, which it was not lawful to do without licence from the ordinary, leſt it might be the occaſion of hereſy, and alſo leſt injury might ariſe to the incumbent of the mother church in oblations or otherwiſe.

There is alſo belonging to this chapel an eſtate of about 18*l* a year purchaſed by queen Anne's bounty, 100*l* given by lady Moyer, and ſubſcriptions in the neighbourhood, for the obtaining of that bounty.

In the reign of king George the ſecond, there was a long diſpute between Mr. John Beniſon vicar of Burton and the inhabitants of this chapelry concerning the appointing a curate; the vicar claiming as of common right, and the inhabitants as by cuſtom for time immemorial. And at length it was determined in favour of the inhabitants. And this is the caſe in moſt of the old chapelries; where the ſalaries having been very ſmall, it was rather a burden than an advantage to the incumbents of the mother churches to provide a curate: And therefore they voluntarily gave up their claim to the inhabitants; who having made choice of a perſon, ſuch as they liked (who generally by the terms of the contribution from the inhabitants towards a ſalary was required to teach a ſchool alſo), the ſaid inhabitants preſented the perſon

* Biſhop Nicolſon.

elected by them to the incumbent, to be by him presented to the bishop for his licence. And from hence chiefly hath arisen the claim, and by length of time the legal right, of the inhabitants and landowners within the chapelries chusing their own curate.—Generally, indeed, that which is deemed a privilege, is a real inconvenience. Popular elections are often conducted by prejudice, and perpetuate party-distinctions from one generation to another. And a clergyman's situation must needs be uncomfortable, who comes in against the opposition of perhaps a considerable part of his hearers. And there is often great irregularity in this kind of election. In order to make such election valid, it is not the fittest method for a few persons to go about in the neighbourhood, and get the electors to set their hands to a nomination; but there ought to be a meeting, after previous notice for that purpose (which notice the chapel-warden, as having charge of the chapel during the vacancy, seems the propereſt to give), and at such meeting the curate to be chosen by a majority of votes. And it is not a canonical election, unless it be by a majority of the whole number; as if there be nine electors (for instance) and four vote for one candidate, and three for another, and two for another, none of those candidates is elected, inasmuch four cannot present against five. And it seemeth that persons absent cannot vote by proxy for any particular candidate, signified by letter, or *viva voce* evidence; but there ought to be, upon stamp, a power of attorney, generally, to act in the election for the absent party, ratifying and confirming what such proxy shall do in the premisses. And the general custom is, that all persons chargeable to pay chapel salary have a right to vote; which includes widows, and infants also of whatever age (as infants, even of tender years, may present to a rectory or vicarage).

PARISH OF KIRKBY LONSDALE.

I. *Parish and Manor of Kirkby Lonsdale.*
II. *Casterton and Hutton Roof.*
III. *Lupton.*
IV. *Barborn and Mansergh.*
V. *Middleton.*
VI. *Killington and Firbank.*

I.

PARISH AND MANOR OF KIRKBY LONSDALE.

KIRKBY LONSDALE, that is the *kirk-town* in Lonsdale, hath its name from the *dale* in which it is situate, through which the river *Lon* (corruptly called *Lune)* runs all along from north to south; which river also gives name

to the town of *Lancaſter*; at which place the ſaid river runs into the ſea. Which dale alſo gave title to the noble family of Lowther, until the title became extinct on the death of the late *Henry* viſcount *Lonſdale*.

Kirkby Lonſdale is the largeſt town in the county, next unto Kendal; and is beautifully ſituate upon the banks of the river, over which there is a large ſtone bridge of three arches; for the repair of which bridge, there was a grant of pontage in the third year of King Edward the firſt.

The *pariſh* of Kirkby Lonſdale is bounded on the Eaſt by the limits of the county of York; on the South, by the county of Lancaſter and the pariſh of Burton in the county of Weſtmorland; on the Weſt, by the ſaid pariſh of Burton and the pariſh of Kendal; and on the North, by the pariſh of Kendal, and the pariſh of Sedberg in the county of York: and contains within it the ſeveral townſhips of Kirkby Lonſdale, Caſterton and Hutton Roof, Lupton, Barbon and Manſerghe, Middleton, Killington and Firbank.

The *church* is dedicated to St. Mary; and was given by Ivo de Talebois to the abbey of St. Mary's York, and confirmed to the ſame by Gilbert ſon of Roger Fitz-Reinfred *.

The *impropriation*, and *patronage of the vicarage*, after the diſſolution of the ſaid abbey, were granted to Trinity college in Cambridge by queen Mary in the firſt year of her reign. The vicarage, in the valuation of the 26 Hen. 8. was rated at 20*l* 15*s* 5*d*. The clear yearly value, as certified to the governors of queen Anne's bounty, 49*l* 13*s* 8*d*.

The *manor* alſo of Kirkby Lonſdale was given to the ſaid abbey, and after the diſſolution was granted to the family of *Carus*, which family had been of conſiderable note in this county; of whom we find, particularly in the reign of king Hen. 8. one *Richard Carus*, who had a daughter Catharine married to Rowland Philipſon of Holling-hall eſquire. He had a ſon and heir,

Thomas Carus, who married Margaret daughter of William Wilſon of Staveley gentleman: and by her had iſſue,

William Carus, who married Iſabel daughter of Thomas Leyburne of Cunſwick eſquire; and by her had iſſue, Thomas, Adam, Robert, Chriſtopher, Richard, Elizabeth, Margaret, Anne, Helen, and Jane.

Thomas Carus, ſon and heir of William, married Catherine daughter of Sir Thomas Preſton of Preſton Patrick.—In the 4 and 5 Ph. and Mary, this Thomas Carus, who was then a lawyer of the Middle Temple London, and afterwards one of the juſtices of the court of king's bench, purchaſed of the crown the manor and demeſne of Kirkby Lonſdale, with the water mill there, and divers lands and tenements in Kirkby Lonſdale, Hegholme, Keſthwaite, Manſergh, Middleton, Biggins, Underley, and Tarnſide; late parcel of the poſſeſſions of the monaſtery of St. Mary's York: To hold of the crown *in capite*, by the ſervice of the 40th part of one knight's fee. He had iſſue, by his wife Catherine Preſton, Thomas, Richard, Chriſtopher, and William; and four daughters, of whom Mary was married to Edward Middleton of Middleton-hall eſquire, and Etheldred married to William Thornburgh of Hamsfield in

* Regiſtr. Wetheral.

the

the county of Lancaſter eſquire.—To his third ſon Chriſtopher, afterwards Sir Chriſtopher, he gave Halton in Lancaſhire.

Thomas Carus, ſon and heir of judge Carus, married Anne daughter and heir of Wilfrid Preſton of Over Biggins eſquire; and had iſſue only a daughter *Elizabeth*, married to Sir Nicholas Curwen of Workington, being his ſecond wife. She had iſſue three daughters, (1) *Mary*, married to Sir Henry Widdrington knight. (2) *Anne*. (3) *Jane*, married to Lambton.

In the 29 Eliz. the aforeſaid Chriſtopher Carus of Halton (probably next in the intail) and Katherine his wife, and Nicholas Curwen and Elizabeth his wife, did by fine convey to William Thornburgh eſquire and Thomas Curwen gentleman, the manor of Kirkby Lonſdale with the appurtenances, late belonging to the monaſtery of St. Mary's York: To hold of the crown *in capite* by knights ſervice.

In the ſouth ile of Kirkby Lonſdale church, there is a monument with this inſcription: "Felici memoriæ Elizabethæ Carus, filiæ et hæredis Thomæ "Carus, Nicolai Curwen equitis aurati uxoris. Matri ſuæ meritæ mærens "filia Maria Henrico Witheringtono nupta, hoc ſacrum poſuit. 1611."

The arms of Carus were; Azure, a cheveron Argent, charged with three mullets Gules, between ten cinquefoils of the ſecond, 4, 2, 1, 2, 1, Argent.

The manor was afterwards ſold to the *Preſtons* of Holker; who ſold the ſame to Sir John Lowther of Lowther, whoſe deſcendent Sir James Lowther baronet now enjoys the ſame.

Of the tenants, about a third part have been ſold free, the reſt are ſome copyhold, ſome cuſtomary at fine arbitrary, and ſome of them alſo heriotable.

The *market* and *fair* at Kirkby Lonſdale were granted in the 11 Hen. 3. And in the 20 Ed. 1. a *Quo warranto* was brought againſt the abbot of St. Mary's York, to ſhew, why he claimed a market, fair, aſſize of bread and beer, tumbrel, pillory, infangthief, and gallows. Unto which he anſwered, that he claimed a market and fair as parſon of the church there, by a charter of king Henry the third, dated in the 11th year of his reign; by which charter, the ſaid king granted to *John de Kirkeby*, parſon of the church in Kirkeby in Loneſdale, that he and his ſucceſſors, parſons of the church aforeſaid, ſhall have for ever a fair at Kirkeby in Loneſdale, upon the land of the ſaid church, every year for three days, to wit, on the eve, day, and morrow of the nativity of the bleſſed virgin Mary [viz. Sep. 7, 8, and 9.], and that they ſhall have one market there, on Thurſday in every week. Infangthief and gallows he claimeth not; but the aſſize of bread and beer, tumbrel, and pillory he claimeth, as annexed and appurtenant to the ſaid market and fair. And becauſe it appeared, that the ſaid king Henry was under age at the time of the ſaid grant, the ſaid market and fair were taken into the king's hands. Afterwards, it was accorded, that the ſaid abbot ſhould enjoy the ſaid liberties, namely, the market and fair, and other things appurtenant to the ſaid market and fair *.

* Regiſtr. Wetheral.

But

But though the abbot diſclaimed the infangthief and gallows, yet it ſeemeth that his ſucceſſors did not intirely give up all juriſdiction of pleas of the crown; for the lord of the manor to this day claimeth and exerciſeth a power of appointing a coroner within the ſaid manor.

The *church* ſtands in a pleaſant ſituation, upon the banks of the river; in a large, level, and beautiful churchyard. It is 120 feet in length, and 102 feet in breadth, and hath 3 rows of pillars. The ſteeple is about 68 foot high, and hath ſix good bells.

At the eaſt end of the north ile is Middleton quire, where in Mr. Machel's time were the ruins of a fine monument in alabaſter of a duſkiſh red colour; having been formerly the effigies of a man in armour, with his ſword girt to his ſide, lying on his back, with his hands elevated, and his head reſting upon an helmet; and the figure of a woman lying by him. And amongſt ſeveral coats of arms defaced, the two firſt remained almoſt intire; the former was Middleton ſingle, and the latter Middleton impaling Tunſtal. Which ſeem plainly to indicate the ſame to have been the monument of John Middleton of Middleton-hall eſquire, ſon of Sir Geoffrey Middleton who lived in the reign of king Henry the eighth; which John married a daughter of Tunſtal of Thurland caſtle.

The ſouth porch or quire was built by one Mr. Baynes of Hegholme-hall, as by theſe verſes over the door (of which Mr. Machel makes mention) did appear, but which all-devouring time hath effaced:

This porch by Baynes firſt builded was,
Of Hegholm-hall they were:
And after ſold to Chriſter Wood,
To keep in good repair.
And is repaired as you ſee,
And kept in order good;
By the true owner now thereof,
The foreſaid Chriſter Wood.

In the year 1486, Oct. 20, a chantry was founded in this church, by the name of Middleton chantry in the church of St. Mary in Kirkby Lonſdale, by William Middleton; unto which he appropriated a penſion of 7 marks yearly, iſſuing out of lands in Garſdale in the pariſh of Sedbergh. The ſaid William to have the nomination of the prieſt there during his life; and after his death, his ſon Richard and his heirs †.—This William was not of the direct line either of Middleton-hall or Leighton; but probably was a collateral of the ſame family.

In the reign of king Charles the firſt, one *George Buchanan*, a Scotchman, was vicar of this church, having been driven out of Scotland (where he had the living of Moffet, then worth 800 *l* a year) for refuſing the covenant. He firſt applied himſelf to archbiſhop Laud, who gave him a living in Eſſex,

† Dugd. MS. from the regiſter of Furneſs abbey.

which

which he afterwards exchanged for Kirkby Lonſdale, as being nearer to his own country, where his Scotch pronunciation would be leſs offenſive, and better underſtood. During the progreſs of the rebellion, he ſuffered greatly, being perſecuted by two of his pariſhioners, who were captains in the parliament army, and got him not only ſequeſtred, but alſo ſeveral times hurried to Lancaſter gaol, once out of the church, another time out of his bed from his wife then big with child, the laſt of which times he ſuffered near three years impriſonment. After which, being ſet at liberty, he fled into Yorkſhire, where he obtained a ſmall living of about 20*l* a year, and on the reſtoration came back to his vicarage at Kirkby Lonſdale, where he did not long continue, being made prebendary of Carliſle, and inſtituted to a living in that neighbourhood.—It was obſerved, that one of the two captains, who had been the chief inſtruments in his ſufferings, grew very rich, and purchaſed a field and built a very fine houſe with the wages of iniquity, but before his death he became miſerably poor, and was caſt into gaol, where he was daily relieved from the table of one of Mr. Buchanan's ſons ‡. [Which ſon, probably, was James Buchanan, who was made vicar of Appleby in 1661.]

There was heretofore a chapel at Tarnſide in this lordſhip, which was demoliſhed about 100 years ago.

At the eaſt corner of the church-yard, is a place called *Abbot-hall* (which is now only an ordinary houſe). It belonged to the abbey aforeſaid, and is ſaid to have been the place where they kept their courts.

There is alſo a place in this lordſhip called *Dean's Bigging*. This alſo belonged to the abbey; and perhaps might be the ſeat of the Rural Deanry, which from this place ſtill retains the name of the deanry of Kirkby Lonſdale.

About 100 yards eaſtward from the church, nigh the river ſide, ſtands the *ſchool-houſe*; the foundation whereof was as follows: One Godſalve of Newton in the pariſh of Whittington, gave 100*l* to be diſpoſed of towards a free ſchool, at the diſcretion of the then rector of Whittington, one Mr. Bland, a native of Kirkby Lonſdale. The ſaid Mr. Bland, in conſideration that the town of Kirkby Lonſdale was the principal market town of thoſe parts, and only one mile diſtant from Whittington, propoſed that the ſaid 100*l* ſhould be laid out towards the eſtabliſhment of a free grammar-ſchool at Kirkby Lonſdale, provided that the inhabitants of the town or pariſh would add another 100*l* to the ſame uſe. Which was accordingly done. And queen Elizabeth, in the 33d year of her reign, granted letters patent for the foundation of a free grammar-ſchool at Kirkby Lonſdale, and therein appointed 24 governors of the ſaid ſchool. The lady Curwen before mentioned, heireſs of the family of Carus, gave the ground upon which the ſchool-houſe was erected; and alſo gave certain parcels of land to the ſame, lying near to a place called the Biggins. And in conſideration of the ſaid ſum of 200*l*, one Mr. Tenant granted a rent charge upon the manors of Bedal and Scotton in Yorkſhire of 20*l* a year to the governors for the uſe of a ſchoolmaſter for ever (that being the legal intereſt for the ſame at that time).

‡ Walker's Sufferings of the Clergy, Part 2d, page 211.

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The ſchool-houſe at firſt being but an indifferent building, one Mr. Henry Wilſon of Blackwell-hall London, a native of Kirkby Lonſdale, did in the year 1628 cauſe the ſame to be taken down, and at his own expence rebuilt the ſame in a more ſpacious and convenient manner. And in regard the former ſalary was applied to the ſole uſe of the maſter, he gave 120*l* for the ſupport of an uſher; which, together with other charity money, was charged upon the demeſne lands of Thurland caſtle in the pariſh of Tunſtal.

Mr. Thomas Wilſon, a clergyman in Norfolk, brother to the ſaid Henry, gave 200*l* to be laid out in land, the produce whereof was to go to the maſter and fellows of Chriſt's college in Cambridge, to be by them applied as exhibitions for 3 poor ſcholars going from this ſchool to the ſaid college, at 5*l* a year each, till they be of ſtanding to commence maſters of arts. Which ſum was laid out in a meſſuage and tenement at Bulbank in the pariſh of Melling.

And the aforeſaid Henry Wilſon gave 400*l*, ſecured upon the tithes of Farleton, for exhibitions for 7 poor ſcholars, 4 of them from the ſaid ſchool of Kirkby Lonſdale, and 3 from the ſchool of Kendal, to Queen's college in Oxford, the ſaid ſcholars to be natives of Weſtmorland or Cumberland. He gave alſo 500*l* to the poor of Kirkby Lonſdale; with many other charities to other places.

The ſaid Henry Wilſon alſo erected a ſmall library in the church, at the eaſt end of the north ile, over the veſtry; and gave ſeveral books to it.

This family of Wilſon had conſiderable poſſeſſions in the townſhip of Kirkby Lonſdale about that time. For among the Eſcheats in the 10 Ja. it is found by inquiſition, that *Henry Wilſon* (probably of the eldeſt branch of the family) held, on the day on which he died, 12 meſſuages and tenements in Keaſthwaite, Manſerghe, Dean's Bigging, and other places, of the king *in capite*, as of the Richmond fee: and that Jane wife of Nicolas Borrett, and Mary wife of Thomas Gibſon, were his daughters and coheirs.

And in the 13 Ja. Nicolas Borret and Jane his wife conveyed her moiety in fee to Edward Burrow and ſeven others; conſiſting of ſix meſſuages and tenements, and divers other parcels of land, all in the lordſhip of Kirkby Lonſdale.

One male branch of this family continued at Underley till about the year 1730, when Mr. Thomas Wilſon ſold Underley to Hugh Aſhton gentleman, from whom the premiſſes deſcended to his ſon James Aſhton eſquire, who died unmarried, leaving 4 ſiſters coheirs; *viz.* Elizabeth married to Mr. Joſeph Burrow of Whitehaven, Frances married to Mr. Arthur Burrow of Lupton, Anne married to Mr. William Birdſworth of Kirkby Lonſdale, and Eleanor married to Mr. Thomas Carus of Kirkby Lonſdale.

II. CASTER-

II.

CASTERTON AND HUTTON ROOF.

CASTERTON and HUTTON ROOF, although ſeparated by the river, have commonly been conſidered as one manor only; and perhaps ſo they might be originally: but ſo far back as we have now any account, they have been ſeparate and diſtinct.

Caſterton (which lies on the Eaſt ſide of the river) did probably receive its name from ſome *caſtle* erected there; of which nevertheleſs there are now no veſtiges remaining.—*Hutton Roof* ſeems to be no more than the top or higher part of *Hutton*; which name of *Hutton* was frequently given to places, where a number of *huts* or ſmall houſes of habitation were ſet up: And particularly in theſe parts, which were appendent to Kendal caſtle, beſides *Hutton Roof*, there was *Old Hutton*, *New Hutton*, and *Hutton in the Hay*.

In the 12 Ed. 2. the manor of Caſterton appears to have been in the poſſeſſion of *Ingelram de Gynes* and *Chriſtian* his wife.

In the 25 Ed. 3. we find one third part of the manor of *Caſterton* holden by *Gilbert de Burneſhead* of *William de Coucy* grandſon of the ſaid *Ingelram*, by cornage, wardſhip, and relief.—And at the ſame time, the manor of *Hutton Roof* was holden of the ſaid *William*, by *John de Hutton Roofe* and *Agnes* who had been the wife of *John Durſfleete*, by the like ſervice of cornage, wardſhip, and relief.

In the 49 Ed. 3. after the death of *Joan de Coupland*, the inquiſition finds, that ſhe died ſeiſed of the manor of *Caſterton*, with the appurtenances.—And that *Hugh de Moreſby* held of her the manor of *Hutton Roofe*, as of her manor of Kirkeby in Kendale; by homage, fealty, and the ſervice of 8*s* a year: And that *Simon de Heverſham* held of her divers tenements there, of the yearly rent of 3*s* 4*d*.

In an old rental, 7 Hen. 7. when Sir Thomas Strickland was ſteward, for two parts of Caſterton were paid 60*s* 2*d* rents and farms; 8*s* 7*d* free rent of aſſize paid by four different tenants by name; 5*s* 6*d* free rent for the lands called Symington's lands; 4*d* new rent of Chriſtopher Symſon for licence of putting a grindſtone in Caſterton beck, to be turned by the water thereof; for the fulling mill, nothing, becauſe it was in the lord's hands for want of repair.

Amongſt the Eſcheats in the 13 Cha. 1. it is found, that *George Stockdale* held 3 meſſuages and tenements in *Caſterton*, late purchaſed of *William Davenport* knight (father of judge *Davenport*), of the king as of his manor of Kirkby in Kendale, late called Richmond Fee, by the 100th part of one knight's fee; and that he held alſo one water corn mill there, of the king as of his manor of Eaſt Greenwich in Kent, in free ſocage, and by the rent of 20*s*.

By an inquiſition in the 28 Cha. 2. it is found, that Catherine queen conſort, in the 21ſt year of the ſaid king, for 50*l* fine paid, granted to *Edward Wilſon* of *Caſterton* gentleman, all thoſe lands and tenements in *Caſterton* (except

great trees, and all woods and underwoods, mines, and quarries) for 93 years, if *Edward*, *Thomas*, and *Roger Wilſon*, ſons of the ſaid *Edward*, ſhould ſo long live; paying the yearly rent of 12 *l* 6 *s* 8 *d*.

In *Hutton Roof* there was anciently a *park*, and there is an houſe which is yet called the Park houſe; which in the reign of Ed. 6. belonged to judge *Carus*; after that, was purchaſed by the *Bellinghams* of Levins; then by the *Preſtons*; and finally, by Colonel *Francis Charteris* (together with divers other of the *Preſton* eſtates), and by him deviſed to his grandſon *Francis Charteris* eſquire, the preſent owner, ſecond ſon of the earl of Wemyſs in Scotland.

The tenants of *Caſterton* are about half free, and half cuſtomary, paying a fine certain of 3 years ancient rent, and a preſcription of 40*s* for an heriot.

The tenants of *Hutton Roof* are all free, paying a quit-rent to the crown. And they have been ſo long free, that there hath appeared to us no memorial or remembrance when or by whom they were infranchiſed. Some part of Hutton Roof belonged to the abbey of St. Mary's York, being given thereto by Ivo de Talebois; and the free tenure of this is eaſily accounted for, inaſmuch as the religious generally held their lands free from all ſecular exaction and ſervice.

The *chapel* of *Hutton Roof*, ſo far as one may judge by the ſmallneſs of the original ſalary, which is 12 nobles, ſeems to be very ancient. It hath now belonging to it three eſtates purchaſed by queen Anne's bounty and other augmentations, of the yearly value of about 40 *l*.

In *Caſterton* there are two houſes called *Chapel houſes*, and a place near unto them called *Chapel head cloſe*, where a chapel formerly ſtood, but the ground is now ploughed up. And there is a well nigh unto it, called St. Coumes [St. Columbe's] well; to which ſaint the chapel probably was dedicated.

Amongſt the particulars made out in the reign of king Charles the firſt, for the ſale of the Richmond fee and other crown lands in Weſtmorland, there is mentioned a *coal mine* in Caſterton, of which Roger Bateman propoſed to be purchaſer.

III.

LUPTON.

LUPTON (called in Domeſday *Lupetun)* belonged, like as the reſt, to the barons of Kendal; and was holden under them for a long time by the *Redmans* of Levins. In which family it continued till the reign of king Henry the ſeventh. For by an inquiſition in the 4th year of that king, it is found, that Thomas Harrington eſquire (then attainted) held lands in Lupton of *Edward Redman* eſquire, but by what ſervices the jury did not know.

This *Edward* ſeems to have been the laſt of that branch of the family, and their Weſtmorland eſtates were ſold ſoon after. Unto whom Lupton immediately

diately was granted, we have not found. The *Bellinghams* purchaſed Levins, and probably Lupton likewiſe. For Lupton, like as moſt of the reſt of the Bellingham eſtates, is of the Lumley fee.

Afterwards it appears to have belonged to Sir *Richard Hutton* of Goldſborough in Yorkſhire, one of the juſtices of the court of common pleas; one of whoſe daughters was married to Sir *Philip Muſgrave* of Hartley caſtle baronet, whoſe ſon and heir Sir *Chriſtopher Muſgrave* knight (afterwards baronet) in the year 1681 purchaſed the ſame of the truſtees of the ſaid Sir Richard; whoſe deſcendent Sir *Philip Muſgrave* baronet is now owner thereof.

There are only about two freehold tenements in the whole manor: All the reſt are cuſtomary.

IV.

BARBON AND MANSERGH.

BARBON and MANSERGH are ſaid to have been originally one manor; and only broken into ſeparate diviſions for convenience, by reaſon of the river Lune running between. But ſo early as the Domeſday ſurvey they appear to have been ſeparate; for *Toſti* earl of Northumberland held *Berebrune* (as it is there called), and *Torfin* held *Manſerge*.

In the reign of king Henry the third, *Richard de Bereburne* knight was one of the witneſſes to the grant of Skelſmergh by William de Lancaſtre to Robert de Leyburne.

In the reigns of Ed. 1. and Ed. 2. we find divers others of the name. In the 18 Ed. 3. the manor of Barborne and divers lands in Middleton were conveyed to *Roger Laſſels* and *Elianor* his wife, but by whom was not legible when the copy of the record was taken *. Poſſibly it might be ſome ſettlement on Laſſels's marrying the heireſs of Bereburne.

In the 25 Ed. 3. *Ralph Laſſels* held the manor of Berburne of William de Coucy; by cornage, wardſhip, and relief.

In the 49 Ed. 3. *Ralph Laſcells* held the manor of Barburne of Joan de Coupland, by homage and fealty, and the ſervice of 30*s* 7*d*, as of her manor of Kirkby in Kendale.

We find nothing further in particular relating to this manor till the 23 Eliz. when it appears to have been in the name of *Vaughan*. For in that year *Francis Vaughan* eſquire conveyed the ſame to Sir Thomas Boynton knight and Francis Boynton eſquire, in truſt, for the uſe of the lady Anne Knyvett for life, remainder to Francis Vaughan and his heirs.

About 30 years after this, the manor was purchaſed of Vaughan, by *John Middleton* of Middleton-hall eſquire; who ſold the ſame not long after to ſerjeant (afterwards judge) *Shuttleworth*; who gave the ſame to his nephew *Richard Shuttleworth* of Gauthorp eſquire, whoſe ſon *James Shuttleworth* eſquire now enjoys the ſame. The ſaid *Richard*, in the year 1716, ſold all the tenements to freehold, reſerving an annual free rent of 15*l* 8*s*.

* Denton.

The ancient *chapel* ſalary of Barbon was 2*l* 10*s* 0*d*; in lieu of which the inhabitants gave a valuable conſideration, wherewith in conjunction with an allotment of 200*l* from queen Anne's bounty an eſtate was purchaſed in Barbon now let at the yearly rent of 11*l*. And with a further allotment of 200*l* an eſtate was purchaſed at Kellet in Lancaſhire, now let at the yearly rent of 7*l* 4*s*. So that the whole revenue is 18*l* 4*s* 0*d*.

John Garnet of Barbon gave ſome lands which were ſold for 105*l*; one half of the intereſt whereof is paid to the curate or ſchoolmaſter for teaching 4 poor children of the chapelry, and the other half to the poor.

MANSERGH ſeems anciently to have been in the name of a family *de Manſergh*. Amongſt the fines in the 12 Ed. 2. we find that *Thomas de Manſergh* purchaſed certain lands in Barbourne. And eſpecially, in the 7 Ric. 2. *John de Manſergh* was choſen knight to repreſent the county of Weſtmorland in parliament.

Nevertheleſs *Rigmaden hall*, which is ſaid to have been the ancient manor-houſe, was in the hands of a family of the name *de Rigmaden*. It is poſſible, the Manſerghs reſiding there might aſſume the name *de Rigmaden*. Their arms were; Argent, 3 ſtags heads couped Sable.

After the *Rigmadens*, this place came into the name and family of *Ward*, who continued there for a conſiderable time, and had poſſeſſions alſo in Killington, Firbank, and other places. The laſt of whom, Henry Ward, ſold the ſame to Mr. *Thomas Godſalve* merchant, who had a ſon *Thomas Godſalve* gentleman, whoſe daughter *Margaret* widow of the reverend Thomas Maudeſley now enjoys the ſame.

The *chapel* of Manſergh was built by Mr. Jacob Dawſon on his eſtate called Nether Hall; towards defraying the expence whereof, the inhabitants agreed to pay for their ſeats. To make a revenue for the ſaid chapel, the ſaid Mr. Dawſon and the inhabitants gave 120*l*, and Oliver Martin eſquire from a charity in his diſpoſal 80*l*, whereby a benefaction of 200*l* was procured from the governors of queen Anne's bounty. Another augmentation of 200*l* from the ſaid bounty came by lot. And a third augmentation of 200*l* from the ſaid bounty was procured by a benefaction of 100*l* from lady Gower, wood ſold off from one of the purchaſed eſtates 28*l*, and 72*l* advanced by Mr. William Sedgwick the preſent curate. The whole amounting to 1000*l*. Wherewith one eſtate was purchaſed in Old Hutton, another in Caſterton, and another in Dent; of the clear yearly rent in the whole of 41*l* 5*s* 0*d*.

V.

MIDDLETON.

MIDDLETON is bounded on the Eaſt, by Dent in the pariſh of Sedbergh; on the South, by Barbon; on the Weſt, by Killington, from which it is parted by

by the river Lune; and on the North, by the river Rowthey, which ſeparates it from Howgill and Bland in the pariſh of Sedbergh.

It is part of the ancient barony of Kendal; and ſeems to have been given (with divers other poſſeſſions) by *Ketel*, the third baron of Kendal, to his younger ſon *Orme*, father of *Coſpatrick*, father of *Thomas* who was founder of Shap abbey. The elder branch of the Talebois family enjoyed divers poſſeſſions in Cumberland. And the ſaid *Orme*, having married Gunild ſiſter of Waldieve firſt lord of Allerdale, ſon of Coſpatrick earl of Dunbar, received with her large poſſeſſions in Cumberland; and his ſon Coſpatrick (ſo called after the name of his mother's father the aforeſaid earl of Dunbar) made an exchange of Middleton in Lonſdale, and ſome manors which he had in Cartmell, with *William de Lancaſtre* his couſin german, for the manors of Workington and Lamplugh, lying contiguous to ſome of his other eſtates in Cumberland: Reſerving to him the ſaid Coſpatrick and his heirs, the homage of Middleton, and a quit-rent of 6*d* yearly, or a pair of gilt ſpurs *: And the ſaid *Coſpatrick* to diſcharge the foreign ſervice of him the ſaid William for the premiſſes in Cumberland, due to the barony and caſtle of Egremont †. And the poſterity of this *Coſpatrick* have continued at Workington to this day.

Middleton having thus came back to the elder branch of the Talebois family; it ſeems to have been firſt granted by them to the *Preſtons*, and by the *Preſtons* to others. For amongſt the fines in the 7 Ed. 1. *Richard de Preſton* conveys to *Henry de Kennet* and *Euphemia* his wife, the manor of Middleton in Lonſdale. Poſſibly this might be a daughter of Preſton.

Whether this family of *Kennet* took afterwards the name *de Middleton* (as was not unuſual in like caſes), or how otherwiſe the *Middletons* came to this manor, doth not appear; however, certain it is, the *Middletons* not long after were in poſſeſſion of this manor, in which name and family it continued for ten generations, and then ended in daughters. The firſt that we find was,

1. THOMAS MIDDLETON of Middleton-hall, in the reign of king Edward the third. He had 6 children; amongſt whom were 3 daughters, *Agnes* married to John Chambre, *Margaret* married to John Morley, and *Joan* married to John Manſergh.

2. JOHN MIDDLETON, ſon and heir of Thomas. He married a daughter of John Medcalf. They had 6 children. One of whom was *Jeffrey Middleton*, the third ſon, who was anceſtor of the Middletons of *Leighton* in Lancaſhire, a very eminent family, whoſe male line failed near the ſame time with this elder branch at Middleton. Another of their children was *Jacomin*, who was married to Richard Preſton.

3. THOMAS MIDDLETON, ſon and heir of John, married Mabel daughter of Sir Richard Muſgrave of Hartley caſtle, in the reign of king Henry the ſixth.

* This reſervation of a pair of *gilt ſpurs* in many ancient grants had a particular meaning, becauſe they were peculiarly uſeful to the grantor; every knight (who ſerved on horſeback) being obliged to wear gilt ſpurs: hence they were called *equites aurati*.

† So ſays Mr. Denton. But ſome of the pedigrees of the Curwen family ſay, that *Orme* himſelf made this exchange.

They

They had 13 children; amongſt whom were, *Elizabeth*, married to Thomas Ducket of Grayrigg eſquire, *Margaret* married to Richard Redman of Over Levins eſquire, and *Mabel* married to Sir Roger Bellingham of Burneſhead knight.

4. THOMAS MIDDLETON, ſon and heir of Thomas, married Margaret daughter of Roger Laſcells; and by her had nine children, of whom the eldeſt was,

5. GEOFFREY MIDDLETON, who married Margaret daughter of George Kirkham of Northamptonſhire. And to his ſecond wife he married a daughther of Kirkby in Lancaſhire.

With this Geoffrey begins the pedigree confirmed by Sir William Dugdale at his viſitation in 1664. Nevertheleſs, the above account (which is taken from a pedigree in 1628), ſo far as we can judge from the intermarriages with Muſgrave, Ducket, Redman, and Bellingham, ſeems to be ſufficiently authentic.

This Geoffrey was knighted by king Henry the eighth; and was major general in that king's expedition to Bulloign.

Beſides his eldeſt ſon *John*, he had a ſon *Thomas Middleton* of Applegarth; upon whom William Par, marquis of Northampton beſtowed that tenement for his faithful ſervice. The ſaid Thomas married Katherine fourth daughter of William Conyers of Marſke eſquire, who was buried in the church at Marſke in the year 1569; as appears from her epitaph there, ſetting forth the above particulars. He had alſo one daughter, which daughter was married to Anthony Fleming of Rydal eſquire.

6. JOHN MIDDLETON, ſon and heir of Sir Jeoffrey. He married Anne daughter of Tunſtal of Thurland-caſtle in Lancaſhire; and by her had eight children. Amongſt whom was *Frances* married to Richard Lowther of Lowther eſquire; and another daughter married to Lancaſter of Sockbridge.

7. EDWARD MIDDLETON, ſecond ſon and heir of John (for Chriſtopher the eldeſt died before his father without iſſue). He married Mary daughter of Sir Thomas Carus knight, one of the juſtices of the court of king's bench; and by her had iſſue eight children. He died about the year 1599.

8. JOHN MIDDLETON, ſon and heir of Edward, married Jane daughter of Thomas Aſhton of Crofton in Lancaſhire eſquire. They had ſix ſons; and one daughter, which daughter was married to one Alexander in the county of Cheſter. The ſons were (1) *Edward*. (2) *Thomas*, who died without iſſue. (3) *John*, who was major general in the king's ſervice, and was ſlain at the battle of Hopton-heath in 1642. (4) *William*, who was colonel of horſe and foot in the ſaid king's ſervice. This William married Dorothy Moore of Middleton, and by her had eight ſons and four daughters, all living at the time of Dugdale's viſitation aforeſaid. (5) *Richard*, ſlain in the civil wars in the ſaid king's ſervice. (6) *Chriſtopher*, ſlain alſo fighting in the ſaid king's cauſe.

9. EDWARD MIDDLETON, ſon and heir of John, by his wife Jane Aſhton. He married Bridget daughter and heir of Robert Byndloſe of Borwick-hall in Lancaſhire. He died juſt about the beginning of the civil wars. For by

an inquiſition in the 17 Cha. 1. it is found, that Edward Middleton eſquire died ſeiſed of the manor and demeſne of Middleton, with one capital meſſuage called Middleton-hall, and one water corn miln, which he held of the king as of his caſtle of Kendal called Marquis fee, in free ſocage, by fealty and the free rent of 26*s* 8*d*; and that *John* Middleton is his ſon and heir, aged 19 years and 6 months. And the ſaid Edward had no other child.

10. JOHN MIDDLETON, ſon and heir of Edward. He married Mary Cole of Coat near Halton in Lancaſhire; and was of the age of 42 at Dugdale's viſitation aforeſaid in 1664; and had iſſue then five children, *Edward*, *David*, *Robert*, *Bridget*, and *Mary*.

The three ſons died without iſſue; and the inheritance deſcended to the two daughters. And here ended the direct male line of the Middletons of Middleton-hall.

The *arms* of Middleton were; Argent, a ſaltier ingrailed Sable.

Of the two daughters; *Bridget*, the elder, was married to Joſhua Hebblethwaite of Dent, and to him had five children, John, Edward, Joſhua, Bridget and Agnes. Of the three ſons there are no deſcendents remaining. Bridget was married to Thomas Fawcet father of the preſent James Fawcet of Kirkby Stephen attorney at law. And Agnes was married to John Fawcet, brother of the ſaid Thomas, who hath ſeveral children now living.

The other daughter *Mary* was married to James Cragg of Dent, and had eight children, John, James, David, Agnes, Mary, Rebecca, Bridget, and Iſabel. Of this branch alſo there is no iſſue male remaining of the name of Crag. Mary, the ſecond daughter of James Cragg, was married to Giles Moore of Grimeſhill eſquire; and to him had iſſue John, James rector of Tatham, Agnes, George, Mary married to Edward Johnſon of Old Hall eſquire, and Giles.

Part of the demeſne remains to John Moore eſquire eldeſt ſon of Giles aforeſaid; the hall, the manor, and the remaining part of the demeſne, were ſold to one Benjamin Middleton (who doth not appear to have been of kindred to this family), whoſe ſon Adolphus Middleton ſold the ſame to Dr. Adam Aſkew of Newcaſtle upon Tyne, ſon of Dr. Anthony Aſkew of Kendal, and father of Dr. Anthony Aſkew of London, all three very eminent and able phyſicians.

This family of *Aſkew* (*Akeſkeugh*, which word ſignifies an hilly ground covered with oaks) was of long continuance in the county of Cumberland, deriving their deſcent from *Thurſton de Boſco* (a name of the ſame import, *boſcus* ſignifying a *wood*), who lived in the reign of king John, and had feoffment from the Boyvills, lords of Kirkſanton, of a place there called Aikſkeugh, within the lordſhip of Millum; whence his poſterity, according to the cuſtom of thoſe early ages, have aſſumed their ſurname.

For ſeveral generations this family reſided at Graymains in the pariſh of Moncaſter and county aforeſaid. Of which family was Sir Hugh Aſkew, to whom king Henry the eighth, in the 33d year of his reign, gave Seaton in the ſaid lordſhip of Millum, which had been an houſe of Benedictine nuns.

Of

Of which Sir *Hugh*, there is a curious anecdote in a manuſcript account of Cumberland (a copy of which is in the ſixth volume of Mr. Machel's collection) written by Mr. Edmund Sandford a gentleman of the houſe of Aſkham. Speaking of Moncaſter and the country thereabouts, he ſays, "Four "miles ſouthward ſtands Seaton, an eſtate of 500*l* a year, ſometime a reli- "gious houſe, got by one Sir Hugh Aſkew yeoman of the cellar to queen "Katherine in Henry the eighth's time, and born in this country. And "when that queen was divorced from her huſband, this yeoman was deſtitute. "And he applied himſelf for help to the lord chamberlain for ſome place or "other in the king's ſervice. The lord chamberlain knew him well, becauſe "he had helped him to a cup of the beſt, but told him he had no place for "him but that of a charcoal carrier. Well, quoth Aſkew, help me in with "one foot, let me get in the other as I can. And upon a great holiday, the "king looking out at ſome ſports, Aſkew got a courtier, a friend of his, to "ſtand beſide the king; and he got on his velvet caſſock and his gold chain, "and a baſket of charcoal on his back, and marched in the king's ſight with "it. O, ſays the king, now I like yonder fellow well that diſdains not to do "his dirty office in his dainty cloaths; what is he? Says his friend that ſtood "by on purpoſe; it is Mr. Aſkew that was yeoman of the cellar to the late "queen's majeſty, and is now glad of this poor place, to keep him in your "majeſty's ſervice, which he will not forſake for all the world. The king "ſays, I had the beſt wine when he was in the cellar: he is a gallant wine "taſter: let him have his place again. He afterwards knighted him, and "gave unto him Seaton. At laſt he ſold his place, and came to Seaton, and "married the daughter of Sir John Huddleſton, and ſettled this Seaton upon "her. And ſhe afterwards married Mr. Pennington lord of the manor of "Moncaſter, and had a ſon Joſeph, and a younger ſon William Pennington, "to whom ſhe gave Seaton."

Of this ſame Hugh, Mr. Denton alſo, in his manuſcript hiſtory of Cumberland, makes honourable mention; where, ſpeaking of the ſaid nunnery of Seaton or Lekeley, he ſays, "When by the ſuppreſſion of abbies it came to "the crown, king Henry the eighth gave the ſite and lands there to his ſer- "vant Sir Hugh Aſkew, who was deſcended from Thurſton de Boſco, and "was raiſed to great honour and preferment by his ſervice to the ſaid king "in his houſe ordinary, and in the field at the ſiege of Bologne and wars of "France."

He ſeems to have continued in his office of yeoman of the cellar to queen Anne Boleyn, and afterwards to king Edward the ſixth.

In the firſt year of Edward the ſixth, he ſerved in the expedition againſt Scotland under Edward duke of Somerſet, and for his bravery and conduct at the battle of Muſſelborough was created knight banneret under the royal ſtandard in the camp of Roqueſborough*.

In the 3d year of queen Elizabeth he was ſheriff of Cumberland; and in two years after died: as appears from the following inſcription on a braſs

* Hollingſhead. Grafton.

plate

plate upon his tomb-ſtone, "Here lieth Sir Hughe Aſketh knyght, late of "the Seller to kinge Edward the VI; which Sir Hughe was maid knyght at "Muſkelbroughfelde, in the yere of oure Lord 1547, and dy'd the ſecond "day of Marche in the yere of oure Lord God 1562."

The ſaid Sir *Hugh* was ſucceeded by his ſon (or rather perhaps his nephew) *Hugh Aſkew* of Graymains; who had a ſon *Henry*, who died, according to the pariſh regiſter of Moncaſter, in the year 1621. Which *Henry* had a ſon *William*, who ſold the eſtate of Graymains, and purchaſed an eſtate at Kirkby in the county of Lancaſter. The ſaid *William* died in 1641, leaving a ſon *John Aſkew* of Kirkby. Which *John* had two ſons; of whom, the younger was,

Anthony Aſkew of Kendal, M. D. who married Anne only daughter and heir of Adam Storrs of Storrs-hall in the county of Lancaſter eſquire, by his wife Jane daughter of William Rawlinſon of Grathwaite in the ſaid county eſquire, and ſiſter to Sir William Rawlinſon knight, one of the lords commiſſioners of the great ſeal in the reign of king William the third. He had iſſue, by his ſaid wife Anne Storrs, Adam, Anthony, and Margaret.

Adam Aſkew of Newcaſtle upon Tyne, M. D. ſon and heir of Anthony, married Anne younger daughter and coheir of Richard Crackenthorp of Newbiggin in the county of Weſtmorland eſquire; and by her had iſſue four ſons, and one daughter *Anne*. The ſons were, (1) *Anthony*. (2) *Adam Aſkew*, M. A. rector of Plumbland in the county of Cumberland, and now by his father's will owner of Middleton-hall, unmarried. (3) *Henry Aſkew* of Redheugh in the county of Durham eſquire, who married Dorothy only daughter of Adam Boulby of Whitby in the county of York gentleman. (4) *John Aſkew* of Pallinſbourn-houſe in the county of Northumberland eſquire, who married Bridget, daughter and heir of Thomas Watſon of Goſwick in the ſaid county of Northumberland eſquire.

Anthony Aſkew of London, M. D. late deceaſed, ſon and heir of Adam, married firſt Margaret only daughter of Cuthbert Swinburn of Long Witton in the county of Northumberland eſquire, by whom he had no iſſue. To his ſecond wife he married Elizabeth younger daughter of Robert Holford eſquire late maſter in chancery, by whom he had living in 1771, five ſons and four daughters; namely, Adam, Anthony-Linacre, Anne-Elizabeth, Sarah, Deborah, John, Henry, Amy, and Elizabeth.

The Arms of Aſkew are; Sable, a feſs Or, between three aſſes paſſant Argent.

Middleton hall is an old caſtle-like building, and is now made uſe of only as a farm-houſe. There was anciently a chapel in it, but that went to decay many years ago. When Mr. Machel made his ſurvey in the year 1692, the arms in the hall were then ſo much defaced, that he could only make out one ſingle coat, which was an impaling of Middleton and Lowther. The deer in the park were deſtroyed about the year 1640. And the family were great ſufferers in the civil wars that followed.

The tenants purchaſed their eſtates to freehold at different times, moſt of them of *John Middleton* in the reigns of queen Elizabeth and king James the firſt.

Next to the hall, the moſt conſiderable place in Middleton is *Grimeſhill*, belonging to *John Moore* eſquire aforeſaid; a gentleman of moſt reſpectable character, as an active, able, and uncorrupt magiſtrate, a zealous and ſincere friend, a promoter of piety and virtue by his own example and encouragement thereof in others, and an abhorrer of every thing that is vicious, mean, ſcandalous, or diſhonourable.

His father *Giles Moore* eſquire, by the mere force of genius and application, without the help of an univerſity education, was profoundly learned, not only in the hiſtory and antiquities of our own country, but in the ancient Grecian and Roman literature, and was critically ſkilled even in the Hebrew language.

The next remarkable place, after *Grimeſhill*, is *Hawkin-hall*; which was built by Dr. *Chriſtopher Bainbridge* maſter of Chriſt's college in Cambridge in the reign of king Charles the firſt. It is a pretty large houſe, and yet is ſo contrived, that it hath but one pair of principles. Dr. Bainbridge was born at this place; and married at 60 years of age, and by his wife had 19 children.

At *Beckſide-hall* in this townſhip was born Sir *John Otway* knight, an eminent counſellor at law. He was admitted fellow of St. John's college in Cambridge in the year 1635; and was amongſt the firſt of thoſe that were ejected by the earl of Mancheſter in 1643. After his removal from the univerſity, he became one of the readers in Gray's Inn. He was greatly inſtrumental in bringing over to the royal cauſe two officers who commanded each a regiment under Cromwell, *viz.* colonel Redman who married Mr. Otway's ſiſter, and colonel Clobery who married his wife's ſiſter. On king Charles the ſecond's return, he was knighted and made one of the king's counſel, vicechancellor of the dutchy of Lancaſter, and chancellor of the county palatine of Durham. He acquired a conſiderable eſtate, and ſettled at Ingmire hall, nigh unto his own paternal eſtate, but ſituate in the edge of Yorkſhire, in the pariſh of Sedbergh. His deſcendents were as follows:

1. The ſaid Sir *John Otway* married firſt Mary Rigg of Wincheſter, and by her had iſſue (1) *John*, who died unmarried. (2) *Charles Otway*, LL. D many years fellow of the aforeſaid college, where he died in 1621. (3) *Anne*, married into Ireland. (4) *Mary*, married to Poſthumus Wharton of Sedbergh clerk, to whom ſhe had iſſue Mary married to John Cawthorne eſquire, and Margaret married to Samuel Saunders of Sedbergh, D. D.

To his ſecond wife he married Elizabeth daughter of John Braithwaite and niece and heireſs of Thomas Brathwaite of Ambleſide gentleman, and by her had iſſue, (1) *Brathwaite*. (2) *Elizabeth*, married to Byram. (3) *Margaret*, married to Fothergill. (4) *Catherine*, married to Upton.

He

He died at Ingmire-hall in 1693, and was interred in the pariſh church of Sedbergh; where, on a marble monument, is the following iuſcription:

In pious memory
of the worſhipful
Sir John Otway, knight;
Vicechancellor of the dutchy of Lancaſter,
and chancellor of the county palatine of Durham,
late one of the readers of Gray's Inn,
and one of his majeſty king Charles the 2d's counſel
learned in the law:
To whom he was very inſtrumental
in his happy reſtauration.
He lived much beloved,
and died much lamented,
the 15th of Oct^{r}, 1693.
In the 74th year of his age.
In memory of him,
his ſorrowful lady
hath cauſed this monument
to be erected.

2. *Brathwaite Otway* of Ingmire-hall eſquire, only ſurviving ſon of Sir John Otway, was ſometime fellow-commoner of the aforeſaid college, and afterwards a ſtudent in Gray's Inn. In his time a diſpute happened between Thomas Strickland eſquire lord of the manor, and the tenants of Sedbergh, which cauſe he took up in behalf of the tenants, and managed at his own expence; as appears from the following inſcription upon a braſs plate in the church, which the tenants put up in his life-time, but without his knowledge:

"In the year 1744.
"Gratitude obliged the pariſhioners of Sedbergh to erect this monument, in "memory of *Brathwaite Otway* eſquire, their generous benefactor; whoſe "ſingular humanity, beneficence, and integrity, ought never to be forgotten. "When *Bluecaſter* was incloſed, with an intent to take it from them, and "many impoſitions took place; he voluntarily defended their cauſe at his own "expence, and with great aſſiduity recovered their rights, and firmly eſta-"bliſhed them in their ancient properties. A judicious and noble patriot of "his country, a ſtrenuous defender of the poor, and an ardent lover of juſ-"tice; a bright and ſhining example to the rich and potent, whoſe amiable "conduct juſtly merits their imitation."

He died unmarried, and was ſucceeded by his ſiſter,

3. *Catherine*, who was married to *John Upton* of Upton in the county of Devon eſquire, and had iſſue *William*, *Catherine*, *John*, *Arthur*, and *Elizabeth*. The two ſons *William* and *Arthur* died unmarried; *Catherine* married Egerton, and died without iſſue; *Elizabeth* (now living, in 1771) married Fernyhough, and hath no iſſue.

4. *John Upton* of Ingmire-hall eſquire, the ſurviving ſon of Catherine, married Elizabeth Boucher, by whom he had iſſue, (1) *Elizabeth*, married to Thomas Swettenham of Swettenham in the county of Cheſter, now Thomas Willis, eſquire, and hath no iſſue. (2) *John.*

5. *John Upton* of Ingmire-hall eſquire, ſon and heir of the laſt John. In the year 1761, he was choſen to repreſent the county of Weſtmorland in parliament.

He married Mary Noble of Weſtoe in the county of Durham, by whom he hath iſſue a ſon and two daughters now living, *viz. Mary*, *John*, and *Jane.*

The Arms of Upton are; Sable, a croſs moline Argent. Creſt, an horſe capariſoned upon a ducal coronet.

The *chapel* of Middleton was built by the inhabitants in the year 1634, upon ground given by the aforeſaid Dr. Bainbridge, who alſo gave 40*s* towards the building. It was conſecrated by biſhop Bridgman in the year following, by the name of the Chapel of the Holy Ghoſt, reſerving to the biſhop of Cheſter the nomination of a preaching miniſter, and 1*s* ſynodals, and 1*s* 4*d* for procurations. It was made parochial by biſhop Pearſon in 1671. The chapel-yard was inlarged by land given to Giles Moore of Grimeſhill eſquire, and in 1712 a licence was obtained to bury therein. The revenue thereof ariſes, firſt, from an eſtate in Middleton purchaſed with 106*l* ancient ſtock, by ſale of ſome wood upon the ſaid eſtate, and divers contributions, now let at 12*l* a year. Afterwards 200*l* came to this chapel by lot, with which and with divers benefactions called chapel ſtock, an eſtate was purchaſed in Middleton of the yearly value of 12*l.* In the year 1756, the executors of the late Dr. Stratford gave 100*l*, the preſent curate Mr. Garnet and the inhabitants gave other 100*l*, whereby an augmentation of 200*l* was procured from the governors of queen Anne's bounty, and two eſtates purchaſed therewith, one in Middleton and the other in Garſdale, of the yearly rent of 7*l* each. The whole revenue of the eſtates together being 38*l.*

Mr. John Moore of Grimeſhill, grandfather of the preſent John Moore eſquire, gave 60*l*, wherewith land was purchaſed now let for 3*l per annum*; one third whereof is paid to the curate; one third to the ſchoolmaſter to teach four poor children; and one third to the poor of Middleton, as alſo 30*s* being the rent of ſome lands purchaſed with money given by John Bailiff.

Mr. Giles Moore of Borwens left 40*l*, the intereſt thereof to be given one half to poor houſeholders in Middleton, one fourth to the ſchoolmaſter, and one fourth towards placing out poor children of the ſaid townſhip apprentices.

John Bainbridge of Middleton gave 10*l*, the intereſt thereof to be applied towards buying bibles and common-prayer books for poor children who repeat the church catechiſm in Middleton chapel.

Jeffrey Hadwen gave 10*l*, the intereſt whereof to be given yearly to poor widows of the ſaid chapelry.

John Hawden gave 10*l*, the intereſt whereof to be given every Good Friday in wheaten loaves to the poor of the townſhip. And his widow gave 10*l*, the

the intereſt whereof to be applied towards buying cloaths for the poor children of the ſaid townſhip.

The abbey of Cockerſand in Lancaſhire had ſome lands in Middleton, given by Edmund de Nevil knight.

VI.

KILLINGTON AND FIRBANK.

KILLINGTON and FIRBANK were anciently one manor. The latter was not ſo called as having heretofore been planted with fir trees; for the ancient name of it univerſally was *Frithbank*, from the Saxon *frith* or *frid* which ſignifies *peace*, and is transferred to places incloſed which are *free* from annoyance or purpreſture, and are kept clear from cattle at certain ſeaſons of the year: of which ſort is a ſtinted paſture, where ſeveral perſons have cattle-gaits; and the perſon who looks after the paſture and ſtint is to this day called the *frith-man*.

The river Lune is the Eaſtern boundary of both theſe diviſions. Killington adjoins on the ſouth to the other parts of Kirkby Lonſdale pariſh. On the weſt of Killington, lies Old Hutton; and on the weſt of *Firbank* lies Lambrigg. And the northern boundary of Firbank is Dillaker.

There are between 30 and 40 families in each of theſe diviſions, all freehold; the manor having been purchaſed from the meſne lords by the tenants, who therefore hold immediately of the crown as of the marquis fee by the yearly free rent (jointly) of 6*s* 8*d*, as found by inquiſition 28 Cha. 2.

In the reign of king Edward the firſt, we find one *William de Frithbank* a juror on ſeveral inquiſitions *poſt mortem* of the Talebois family: But the manor at the ſame time was in the name and family of PICKERING.

I. The firſt of the name of *Pickering* that came to Killington, was WILLIAM DE PYKERINGE ſon of *Thomas*, in the reign of king Henry the third. For in the 44th year of that king, *Peter de Brus* the third grants to *William de Pykeringe* the manor of Killington: To hold to the ſaid William and his heirs, and to his aſſigns (except Jews and religious perſons), of him the ſaid Peter and his heirs in fee, with all the game * thereof, and other appurtenances whatſoever. Saving to him the ſaid Peter, during his life, freedom of chaſe for himſelf or his men, at their pleaſure, within the boundaries of the ſaid manor; yet ſo, that neither he nor any for him ſhall have entry into the incloſed grounds to make chaſe. Rendering for the ſame yearly a pair of gilt ſpurs, or ſixpence, at the Feaſt of Pentecoſt; and doing ſervice of the 20th part of one knight's fee when occaſion ſhall be, for all ſervices, ſuits of court,

* *Cum omnium ſalvagina:—Salvaginus catus*, in ſome old writings, ſignifies a ſavage or wild cat. From the circumſtances of this grant it ſeemeth, that the word *ſalvagina* here is to be underſtood of the beaſts fit for hunting, as deer, hares, marterns, foxes, and in general all the wild beaſts of the foreſt.

and

and other cuſtoms. He grants moreover to the ſaid William, his heirs and aſſigns, that they ſhall have the ſame liberty in purſuing the game out of the boundaries of Killington, as far as the limits of that part of the foreſt of the Hay, which belongs to Walter de Lindeſay, and in driving back the ſame with their men and dogs, which he the ſaid Peter himſelf had: So nevertheleſs, that they ſhall claim no ſuch liberty in the ſaid Peter's part of the foreſt of the Hay. Witneſſes whereof were, John de Burton knight, Gilbert de Bereburne, Thomas de Lancaſtre, Ralph de Patton, Nicolas de Nineſergh, Thomas de Derlay, Richard de Crok, and others *.

II. THOMAS DE PICKERING, ſon of William.—By a charter in the 32 Ed. 1. the king grants to *Thomas de Pickeringe* free warren in all his demeſne lands of Killington and Millehope in the county of Weſtmorland; ſo as thoſe lands be not within the limits of the king's foreſt. So that no perſon ſhall enter thoſe lands to make chaſe therein, or take any thing which belongs to the warren, without the licence and will of the ſaid *Thomas* and his heirs, on pain of forfeiture of 10 *l.* to the king. Witneſſes whereof; the reverend father W. biſhop of Coventry and Litchfield, Henry de Lacy earl of Lincoln, Henry de Percye, Hugh de Veer, William de Vavaſor, and others †.

In the 3 Ed. 2. after the death of William de Roos, the inquiſition finds, that *Thomas de Pykeringe* held the hamlet of Kyllington, Frethebank and the Berghes, by the ſervice of the tenth part of one knight's fee, and the rent of 9 *s* yearly.—And the ſaid Thomas was one of the jurors in taking the ſaid inquiſition, and is ſtyled *Thomas de Pykeringe* knight.

King Edward the third, in the 10th year of his reign, confirms to *Thomas de Pykering*, ſon of *William de Pykering*, the manor of Killington; for the fine of 40 *s* paid into the exchequer ‡.

III. The next that we meet with was JAMES PICKERING; who in the 36th and again in the 39th of Ed. 3. was knight of the ſhire for Weſtmorland.

This *James*, in the 38 Ed. 3. granted by fine to Richard Carus and Agnes his wife certain lands in Kirkby, Helſington, and Stirkland: To hold to them and the heirs of their bodies; and in defect thereof, to revert. So that this was probably a ſettlement on the marriage of his daughter.

Six years after this, Richard de Wiſbitche conveys to *Alexander* ſon of *Alice de Pickering* a moiety of the manor of Preſton Patrick, with a reverſion to the ſaid Richard in fee.—This *Alice* poſſibly might be widow of the ſaid *James*; and this conveyance, a ſettlement on the marriage of her younger ſon.

IV. Sir JOHN PICKERING of Killington knight, married Elianor daughter of Sir Richard Harrington; and by her had iſſue, 1. *James.* 2. *Margaret*, married to Robert de Roos knight. And another daughter who was a nun at Watton.

V. Sir JAMES PICKERING knight, in the 1 Ric. 2. and again in the 2d and 6th years of the ſame king, was choſen knight of the ſhire for Weſtmorland. He married to his firſt wife, Mary daughter of Sir Robert Lowther of Lowther knight; and by her had iſſue *James* his ſon and heir. To his ſecond wife

* Dugd. MS. † Idem. ‡ Idem.

he

he married Margaret daughter and heir of Sir John Norwood knight; and by her had iſſue Sir *Edward Pickering*, comptroller of the king's houſehold; which Sir *Edward* had a ſon Edward who died without iſſue.

VI. Sir JAMES PICKERING knight, ſon and heir of Sir James by his wife Mary Lowther, married Margaret daughter and heir of Laſſels of Eſkrigg; and had iſſue *James* and *John*.

VII. Sir JAMES PICKERING knight, married Anne daughter and heir of Sir Chriſtopher Moreſby of the county of Cumberland knight; and by her had ſix children; 1. *Anne*, married to Sir Robert Bellingham of Burneſhead knight. 2. *Chriſtopher*, his eldeſt ſon and heir. 3. *Margaret*, married to Sir William Stapleton knight. 4. *Thomas*, who had a ſon Thomas that married Margaret daughter of Nicolas Starkey. 5. *James*, who married Elizabeth one of the three daughters and coheirs of Sir Lancelot Threlkeld of Threlkeld by his wife the baroneſs Veſey widow of John lord Clifford. 6. *William*, who married Winifred another of the ſaid daughters and coheirs.

VIII. Sir CHRISTOPHER PICKERING knight, by his wife, whoſe name was Elizabeth, had an only child *Anne*, who was heir both to the Pickering and Moreſby eſtates. She was thrice married: Firſt, to Sir *Francis Weſtby*, upon whoſe iſſue by that marriage the Cumberland eſtates ſeem to have been ſettled. Her ſecond huſband was Sir *Henry Knevitt* of Eaſt Horſeley in the county of Surrey: To whom ſhe ſeemeth to have had no iſſue: He appears to have been dead in the 6 Eliz. For in that year there was a preſentation to the church of Aſby by virtue of a title derived from her (as heireſs of Moreſby) by the name and title of the lady Anne Knevet widow of Sir Henry Knevet. Nine years after this, there was a preſentation to the ſame church by *John Vaughan* of Eſkrigg in the county of York eſquire and the lady *Anne* his wife. This *John Vaughan* was her third huſband, and to him it is probable ſhe had iſſue. For the perſon who ſold the manors of Killington and Firbank to the tenants was *Francis Vaughan* in all likelihood her ſon.

This *Francis Vaughan*, ſtyled *Francis Vaughan* of Sutton upon Derwen in the county of York eſquire, in the 27 Eliz. conveyed the ſaid manors to truſtees for the uſe of the tenants; which truſtees conveyed to every of the tenants their own tenements, with a proportionable part or portion of the moors, waſtes, common of paſture, perquiſites, and profits of courts, and of all other privileges, liberties, and franchiſes, parcel of or belonging to the ſaid manors, according to their then annual rent; and to every individual, the wood growing upon his own tenement.—The king, as paramount, claims waif and ſtray within the reſpective liberties; and they pay to the leſſee of the crown the ancient quit rent of 6*s* 8*d*, which comes nearly to the ſum of one penny for each houſe.

What became of the further deſcendents of the lady *Anne*, we have no particular account.

The *arms* of *Pickering* were; Ermin, a lion rampant Azure, crowned Or.

Killington *hall* is an ancient tower-houſe. It was ſold, together with the demeſne, by the ſaid Mr. Vaughan to *Robert Wadeſon* gentleman. Mr. *Wade-*

ſon, about five years after, ſold the ſame to *Radcliffe Aſhton* of Preſton in Lancaſhire gentleman. Mr. *Aſhton* in the 15 Ja. 1. ſold the premiſes to *Thomas Kitſon* of Warton in Lancaſhire gentleman; on whoſe death in the 15 Cha. 1. the inquiſition finds, that he died ſeiſed of one capital meſſuage called Killington hall, and the demeſne thereof, and one other meſſuage and tenement, and one water corn mill in Killington, late purchaſed of the heir of Chriſtopher Pickering knight, holden of the king as of his manor of Kirkby in Kendale, late called the Marquis fee, by the 60th part of one knight's fee: his ſon and heir *Thomas* being of full age.

Which *Thomas* the ſon died without iſſue. And the eſtate came to his ſiſter *Elizabeth*, who was married to *Robert Hebleth waite*; who had a ſon *Thomas Hebleth waite* eſquire, who deviſed the ſame to truſtees to be ſold, and the ſame was accordingly purchaſed by *Jacob Morland* of Caplethwaite eſquire, whoſe grandſon Jacob Morland eſquire now enjoys the ſame.

There is a *park* belonging to the hall, which anciently had deer in it; but none, probably, after the death of Sir *Chriſtopher Pickering*, the laſt reſident of the family there.

Theſe two diviſions had originally but one *chapel*; which ſtood in a cloſe called Chapelgarth; adjoining to which are two cloſes called Prieſt fields, lying in Killington. And both the diviſions jointly paid a chapel ſalary; which ſeems to have been the uſual limited ſum of 20 nobles: for now when the ſalary is divided between the two chapels, Firbank chapel has appropriated to it near half that ſum: the ancient chapel ſalary indeed of Killington is larger, but that ſeems to have been by reaſon of an addition made to it on eſtabliſhing a ſeparate chapel in Killington.

In or about the year 1585, on the petition of the inhabitants of Killington and Frithbank to biſhop Chadderton, ſetting forth, that by reaſon of their diſtance from the pariſh church (ſome of them being diſtant ten miles and none leſs than ſix), and by reaſon of inundations and of ſtorms frequently raging in thoſe parts in the winter ſeaſon, they cannot carry their dead to be buried without great trouble and inconvenience, nor their children to be baptized without great peril both of ſoul and body, nor reſort thither to hear divine ſervice and receive the ſacraments as becometh chriſtians and by right they are bounden: He the ſaid biſhop, in conſideration of the premiſſes, grants unto them his faculty and licence, that in the chapel ſituate within the territory, hamlet, or lordſhip of Killington and Frithbank aforeſaid, commonly called Killington chapel, by a miniſter or curate lawfully ordained, or ſufficiently approved from time to time, to be hired at the coſts and charges of the ſaid inhabitants [*ſumptibus et expenſis dictorum inhabitantium conducendum*], divine ſervice ſhall be performed, the ſacraments and ſacramental rites adminiſtred, matrimony ſolemnized, and the dead buried in the ſaid chapel or chapel-yard thereof, as freely and in as ample manner and form, as then they were, or lately had been obliged to perform the ſame at their ſaid pariſh church.

The preſent revenue of Killington chapel is ſomewhat more than 40*l* a year; ariſing from an ancient chapel ſalary of 9*l* 6*s* 8*d*; a rent-charge of 20*s* out of

of ſome lands in Killington called Lord's holme, formerly part of the demeſne (in conſideration whereof the demeſne pays no chapel ſalary); another rent-charge of 20*s* given by William Walker out of an eſtate in Old Hutton called Bendrigg; an eſtate in Killington purchaſed with an allotment of 200*l* of queen Anne's bounty and an ancient chapel ſtock given by different perſons, now let for 12*l* 12*s*; another eſtate in Dent purchaſed with 200*l* given by Dr. Stratford's executors, and 200*l* queen's bounty, now let for 14*l* 14*s*; and the intereſt of 55*l* (whereof 40*l* was given by Thomas Heblethwaite eſquire, 10*l* by Hugh Bowman, and 5*l* by Jacob Morland eſquire) amounting to 2*l* 9*s*.

The ſaid Thomas Heblethwaite gave a legacy to the uſe of the *poor*, wherewith lands were purchaſed, now let for 3*l* 11*s*. Alſo the ſaid William Walker gave a rent-charge of 40*s* out of the ſaid eſtate at Bendrigg. And there is another eſtate in Firbank belonging to the poor of Killington, now let for 11*l* 10*s*, and it is not known who was the donor (probably it was purchaſed with ſome ancient poor ſtock).

Alſo there is a *ſchool* ſtock of 65*l*; whereof 40*l* was given by the ſaid Thomas Heblethwaite eſquire, 5*l* by the ſaid Jacob Morland eſquire, and 20*l* by Thomas Sharpe.

The ancient chapel *ſalary* of Firbank is nine nobles or 3*l*. Anthony Ward of Whinny How gave an eſtate called Green in Lambrigg then of the yearly value of 8*l*, and alſo the ſum of 50*l* in money, in conſideration whereof the governors of queen Anne's bounty gave 200*l*. Alſo 200*l* came twice by lot to this chapel. With all which ſums lands were purchaſed in Firbank, Strickland Roger, and Strickland Ketel. And the whole revenue of this chapel at preſent (including the chapel ſalary) is 37*l* 10*s* 0*d*.

OF THE BARONY OF WESTMORLAND.

HAVING finiſhed the *barony of Kendal*, which is one of the two great baronies of which the county of Weſtmorland doth conſiſt; we now proceed to the other, which is emphatically ſtyled the *barony of Weſtmorland*, conſiſting of the honours or ſeignories of Appleby and Burgh, which contain under them all the ſubordinate manors holden of the lords of Weſtmorland, and indeed all that ſeems anciently to have been deemed within the county of Weſtmorland; the barony of Kendal (as we obſerved before) being conſidered as part of Lancaſhire and Yorkſhire, and in Domeſday ſurvey inſerted under the title *Agemundreneſſe*.

In order to deduce the hiſtory of this barony, it is neceſſary to obſerve in the firſt place, that in the diſtribution of the provinces by William the conqueror, the earldom of CHESTER was granted to HUGH DE ABRINOIS ſurnamed LUPUS, ſon of a ſiſter of the ſaid *William*, whoſe huſband's name was *Richard*

viſcount of Aurenches ſurnamed *Goz.* This *Hugh* received the appellation of *Lupus* probably from his martial ſpirit, and for the ſame reaſon was appointed to that important ſtation againſt the Britons then driven into Wales. And the king granted him a ſort of royal power, *tenere ita libere ad gladium, ſicut ipſe rex tenebat Angliam per coronam* *. Where we may obſerve, by the way, the delicacy of expreſſion: the conqueror did not chuſe to affirm expreſsly that he held the kingdom by the right of conqueſt, but rather ſpeaks in ambiguity and with reſerve; but the meaning could be no other, than to hold the earldom by the ſword, as he himſelf held the kingdom.

At the ſame time, the county of Cumberland, and ſo much of Weſtmorland as was not included within the barony of Kendal, were granted to *Ranulph de Meſchiens* another Norman; who, in the year 1088, granted the two churches of St. Michael and St. Laurence of his caſtle of Appleby, to the abbey of St. Mary's York †.

The ſaid *Ranulph de Meſchiens* married *Lucia* ſiſter of *Hugh Lupus* aforeſaid, by whom he had iſſue a ſon and daughter. The ſon, *Ranulph de Meſchiens*, ſo called after his father's name, ſucceeded to the Cumberland and Weſtmorland eſtates (except what his father had before granted away to his brother *William de Meſchiens* and others); and afterwards, upon the death of *Richard* brother of the ſaid *Hugh Lupus*, the ſaid *Ranulph* the ſon was, in his mother's right, being next heir in blood, and by the favour of the king, made earl of Cheſter. For the king propoſing to him to make war upon the marchers in Cheſhire, who had invaded a great part of that country, he undertook the charge, and drove them out. Whereupon the king gave him all that province, and made him count palatine of it, as he had made the earl *Hugh* before. And having obtained of the king to confirm the grants that he had made in Cumberland, he thenceforth left that earldom, and ſettled himſelf in Cheſhire ‡.

Whereupon the eſtates which he left behind him in Cumberland and Weſtmorland, came by his appointment and diſpoſition to his ſiſter, who was married to (another Norman) *Robert d'Eſtrivers*, or *Trevers.*

This *Robert de Trevers* had a daughter and heir *Ibria Trevers*, who was married to *Ranulph Engain*; who had a ſon and heir *William Engain*; who had a daughter and heir *Ada Engain*, married to *Simon de Morville* (who alſo was of Norman extraction).

The ſaid *Simon de Morville* had a ſon and heir *Roger de Morville*; who had a ſon and heir *Hugh de Morville*, and a daughter *Maud* married to *William de Veteripont* father of *Robert de Veteripont* whom we ſhall often have occaſion to mention in the ſequel, with whom the ſaid *William de Veteripont* had that part

* Fleming.

† R. Meſchiens omnibus catholicæ fidei cultoribus, ſalutem. Notum ſit omnibus, quod ego Ranulphus dedi abbatiæ ſanctæ Mariæ Eboraci eccleſiam ſancti Michaelis et eccleſiam ſancti Laurentii caſtelli mei de Appelbi, cum omnibus quæ ad eas pertinent, ſicut Radulphus capellanus meus tenuit, quietas et liberas ab omni terreno ſervicio. Teſte uxore mea Lucia, et Willielmo fratre meo, et Gilberto Tyſun, et Godardo. *Regiſtr. Wetheral.*

‡ Fleming.

of Meburn in Weſtmorland, which from her ſtill bears the name of Mauld's Meburn (Meburn Matildæ).

This ſame *Hugh de Morville* was one of the four knights that aſſaſſinated Thomas a Becket archbiſhop of Canterbury in the reign of king Henry the ſecond. Whereupon the ſaid *Hugh*'s eſtates in Weſtmorland were ſeized into the king's hands; as appears by an inquiſition taken at York in the 3 Ed. 1. whereby it is found *(inter alia)* that the caſtles of Apelby and of Burgh under Stanemore were ſeized into the king's hands, by reaſon of the treſpaſs committed *(propter tranſgreſſionem factam)* by *Hugh de Morville.*

After this forfeiture, it ſeemeth that the ſaid king Henry the ſecond granted the cuſtody of Appleby caſtle to *Goſpatric* ſon of *Orme*; for amongſt the fines in the exchequer in the 22 Hen. 2. it appears, that *Goſpatric* ſon of *Orme* was fined 500 marks, becauſe he delivered the caſtle of Appleby to the king of Scots; Ralph de Cundale for the ſame fact was fined 40 marks; Odard de Burgham 20 marks; John de Morevil 10*l*; Gilbert de Engaine 5*l*; and others other ſums.

This family of *Goſpatric* had very conſiderable poſſeſſions, not only in Cumberland, but alſo in Weſtmorland. *Ormes-head* nigh Appleby had probably its name from them. Thomas ſon of this Goſpatric ſon of Orme was founder of Shap abbey; and Thomas ſon of this Thomas confirmed his father's grants. Nevertheleſs the barony of Weſtmorland and cuſtody of the caſtles was not granted to them in fee; for by the ſaid inquiſition in the 3 Ed. 1. it is found, that after the forfeiture thereof by Sir *Hugh de Morville*, they continued in the hands of the crown, till king John granted the ſame to ROBERT DE VETERIPONT before mentioned.

The ſaid ROBERT DE VETERIPONT was a deſcendent of a family in Normandy *(de Veteri Ponte)* lords of Curvaville. His father's name was *William de Veteripont*, and his mother was *Maud* ſiſter of Sir *Hugh Morville* aforeſaid. King John, in the 4th year of his reign, granted to this *Robert* the cuſtody (as probably he had granted to Goſpatric before) of Apelby and Burgh, and alſo the ſheriffwick of Weſtmorland, to hold during the king's pleaſure.

In the very next year, the ſaid king granted to him in perpetuity, as follows: *viz.* "Appleby and Burgh, with all their appendages, with the ſheriffwick "and rent of our county of Weſtmorland, and the ſervices of all our tenants "who hold not by knights ſervice; to hold of us and our heirs to him the ſaid "Robert and his heirs by his eſpouſed wife, by the ſervice of four knights "fees. Saving to us and our heirs our pleas of the crown, and royal dignity. "And ſaving that the ſaid Robert or his men ſhall not commit waſte in the "woods of Whinfell, and that his ſervants ſhall not hunt there during our life "without the bodily preſence of the ſaid Robert *."

And

* Johannes, Dei gratia, rex Angliæ et dominus Hiberniæ, dux Normanniæ, Aquitaniæ, et Andegaviæ, &c. Archiepiſcopis, epiſcopis, abbatibus, comitibus, baronibus, vicecomitibus, et omnibus miniſtris et fidelibus noſtris, ſalutem. Sciatis nos dediſſe, et præſenti charta noſtra confirmaſſe, dilecto et fideli noſtro Roberto de Veteriponte, Apelby et Burk, cum omnibus appendiciis ſuis,

And becauſe much depends upon this charter, it is thought fit here to ſubjoin Sir Matthew Hale's learned comment thereon.

Appleby and Burgh] Theſe are all the particulars that are mentioned in this charter, and theſe only barely Appleby and Burgh, and not the caſtle, manor, or the like; but they include the ſame, and indeed all the reſt of the barony of Weſtmorland.

With all their appendages] Theſe words carry, firſt, the ſeveral parts of theſe caſtles and manors, which are particularly ſpecified in the inquiſitions after the death of the ſeveral poſſeſſors; as Langton, Brougham, Kirkby Thore, Kirkby Stephen, Winton, Mallerſtang, and the reſt: all of them being appendant either to Appleby or Burgh, and both together making up the barony of Weſtmorland. The words carry alſo the franchiſes to the ſame belonging, that are appendant to the ſame by preſcription; as liberties of free chaſe, free warren, aſſizes of weights and meaſures, of bread and beer, and ſuch like.—And beſides theſe ordinary tenures and ſervices, we find in the records mention of three kinds of rents and tenures, which the ſouthern parts of England are not acquainted with: 1. *White farms* of the tenants; but this ſeems to be their ordinary rents. 2. A ſervice called *cornage*, paid by the knights and free tenants; which drew wardſhip and relief. 3. A ſervice or tenure called *drengage*; which was not a knight's ſervice, yet it drew wardſhip and relief.

With the ſheriffwick and rent of the county of Weſtmorland] This paſſed the ſheriffwick, which was parcel of the barony of Weſtmorland. And whereas this whole barony was held by four knights fees, the ſheriffwick was eſtimated at one.

With the ſervices of all our tenants there, who hold not by knights ſervice] By the general words, knights fees would have paſſed, if they had not been particularly excepted. But here they are excepted, and no knights ſervice tenure paſſed, though other tenure which had relation to the wars and had the ſame effect with knights ſervice as to the point of wardſhip did paſs, namely, cornage. And in propriety, none were in thoſe times accounted tenants by knights ſervice, but ſuch as held by a knight's fee or part thereof.

To him and his heirs by his wife] This at common law was a fee ſimple conditional. So that before iſſue had, the donee by his alienation might bar his iſſue; and by his alienation after iſſue had, might bar the donor. If no alienation was made meſne between the grant and the 13 Ed. 1. then this eſtate in

ſuis, cum ballivato et reditu comitatus Weſtmerlandiæ, cum ſerviciis omnium inde tenentium de nobis qui non tenent per ſervicium militare: Habenda et tenenda de nobis et hæredibus noſtris, ſibi et hæredibus ſuis qui de ipſo et uxore ſibi deſponſata exierint, per ſervicium quatuor militum pro omni ſervicio. Salvis nobis et hæredibus noſtris placitis omnibus quæ ad coronam regiam pertinent, et ſalva dignitate regali; et ſalvo, quod dictus Robertus vel ſui vaſtum neque exitium facere poterint in brulliis de Whinfell, vel in ipſis venari quandiu vixerimus ſine corpore ipſius Roberti. Quare volumus, et firmiter præcipimus, quod ipſe Robertus vel hæredes ſui poſt ipſum habeant et teneant omnia prædicta de nobis et hæredibus noſtris ut dictum eſt, in boſco et plano, in viis et ſemitis, in pratis et paſturis, in moris et mariſcis, in ſtagnis et vivariis, in aquis et molendinis, et in omnibus locis et libertatibus ſuis et liberis conſuetudinibus, ſicut prædictum eſt. Teſtibus, &c. Datum per manum Hugonis de Wells viceſimo octavo die Octobris anno regni noſtri quinto. *(Dugd. MS.)*

fee

fee ſimple, by the ſtatute *De Donis* made in that year, turned into an eſtate tail, and a reverſion ſettled in the crown. But if there were an alienation meſne, then the ſaid ſtatute works not this into an eſtate tail. But this continued unaltered; and therefore by the ſtatute aforeſaid is turned into an eſtate tail, with the reverſion in the crown.

By the ſervice of four knights fees] And accordingly was this ſervice anſwered by the ſaid Robert and his ſucceſſors. And it is to be noted, that the barony always accompanied the poſſeſſions, and they were never ſevered, and relief was anſwered for it accordingly. Yet the charter is not to hold *per baroniam*, but only *per quatuor milites*. So that it is not neceſſary, that a barony by tenure be held *per baroniam*. But if a large poſſeſſion be granted to be held by an honourable perſon, this intitled him in thoſe ancient times to a particular ſummons to parliament as one of the *barones regni*.

Saving our pleas of the crown] This, if it had not been provided for expreſsly in this charter, had been provided for before by the Great Charter, ch. 17. "Nullus vicecomes, vel alii ballivi noſtri, teneant placita coronæ "noſtræ."

And our royal dignity] This alſo was no more than the law had ſaid, had this ſaving been omitted. And therefore as incident to this royal dignity, the kings placed conſtables in the caſtles, and had a ſuperintendency over their judicate proceedings. So, in the 19 Ed. 2. we find a writ directed, "The "king, to his conſtable of his caſtle of Appleby."

Shall not commit waſte in the woods of Whinfell] This imports two things; 1. That the woods did paſs; which afterwards came to be called the *foreſt* of Whinfell, as alſo in like manner the *foreſt* of Mallerſtang. Theſe nevertheleſs, in the hands of ſubjects the patentees, are in right not foreſts, but only chaſes. 2. That here is a ſpecial exception, reſtraining the liberty of the grantee from what he might otherwiſe have done. And here we ſee the wiſdom and care of the ancient times, in preſerving of timber. And indeed the preſervation of foreſts, and the game of deer, was principally in order to the preſervation of timber, which by incloſure (though otherwiſe more profitable) would have been more ſubject to deſtruction.——So much concerning the charter.

This *Robert de Veteripont* was a man of great parts and employments.

He was truſted with the cuſtody and diſpoſal of much of the king's treaſure.

He was intruſted with the cuſtody of the priſoners taken in the wars in France; as appears by the ſeveral writs for their deliverances upon ſeveral occaſions.

He was truſted with the education and cuſtody of the king's niece, daughter of William Longſpee; as alſo of the king's ſon Richard, who was afterwards earl of Cornwall.

He was employed in offices of great truſt and importance; was ſheriff of Caen in Normandy; was eleven times ſheriff of ſeveral counties in England, as appears by the pipe rolls of thoſe times.

He was employed to publiſh the treaties at Wincheſter, between the king on the one hand, and the pope and clergy on the other.

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He had the cuſtody of many caſtles and towns of note at different times; as namely, Windſor, Bowes, Saliſbury, Carliſle, and divers others.

He was juſtice in eyre, and ſate in commiſſion with Martin de Patiſhull and others.

He purchaſed of Maud daughter of Torphin, and of Philip de Burgo, their lands in Weſtmorland.

He purchaſed of Walter Morvil divers lands at Brampton and elſewhere.

He purchaſed of Adam ſon of Waldeve the advowſon of Kirkby Thore, together with the chapels of Sourby and Milburn.

He purchaſed of Nicholas Stutevill all the lands of the ſaid Nicholas in Weſtmorland; and, amongſt the reſt, Milburn Grange, which he gave to the abbey of Shap, together with the tithes of all his mills in Weſtmorland, and the tithes of the renewal of all the beaſts taken by him or his men in all his foreſts in Weſtmorland.

And he confirmed unto the ſaid abbey the grants which had been made to the ſaid abbey by Thomas ſon of Goſpatric and Thomas his ſon; and the grant of Renegill which had been made to the ſaid abbey by Maud his mother and Ivo his brother.

He was one of thoſe, who in the reign of king Henry the third took the croſs in the holy land. His arms then (as appears by his ſeal) were, a lion paſſant, with a coronet upon his head; and his brother Ivo's, a lion paſſant without any crown. So that the ancient arms of the Veteriponts ſeem to have been a lion paſſant, and that the coronet was added upon the advancement and promotion of Robert to his honours and dignities; for he had not only thoſe places and poſſeſſions in England which have been hitherto ſpoken of, but his brother's alſo in Normandy (who ſeems to have been the elder brother, and to have inherited the family eſtate there) which were given to the ſaid Robert by king John, on Ivo's ſiding with the king's enemies in Normandy. [Their ſeals Mr. Machel ſays he found amongſt the Blenkinſop papers at Helbeck relating to Shap abbey.] Howbeit, though this was their bearing then, yet not long after (by what occaſion appeareth not) their arms were changed; for John, ſon of this ſame Robert, bore annulets: and the coat which is now owned by his poſterity, is this; *viz.* Gules, ſix annulets Or, 3, 2, and 1. And their ſeal is an armed man on horſeback, bearing a ſhield charged with annulets, and the horſe trapped with the ſame. And here perhaps it may not be amiſs to obſerve, how ſeveral ancient families do agree in their arms; ſome borrowing probably their arms of the lords of whom they held in fee; others by taking the arms (as they duly might) of thoſe perſons to whom they were related, or moſt devoted. Therefore as the Veteriponts bore ſix annulets, 3, 2, and 1; ſo alſo do the Muſgraves and Lowthers: varying only in colour, for diſtinction ſake.

This *Robert de Veteripont* married Idonea, daughter and heir of John Builly, ſon and heir of Richard de Builly, ſon and heir of Jordan de Builly, ſon and heir of Arnold, uncle and heir of Roger, ſon of Roger, that in the reign of king Henry the firſt was lord of the caſtle and manor of Tickhill in Yorkſhire; and by that title Robert de Veteripont and Idonea his wife demanded the ſame

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in a writ of right, againſt Alice counteſs of Ewe, in the 4 Hen. 3. which ended in a compromiſe and partition.

The ſaid *Robert de Veteripont*, having been 24 years ſheriff of Weſtmorland, died in the 12th year of king Henry the third, and was buried in the Middle Temple in Fleetſtreet London; to the brethren whereof he gave his moiety of the manor of Wycum in Buckinghamſhire.

Idonea his wife died about 7 years after, in the 19 Hen. 3. and was buried at Rupe or Roch abbey in Yorkſhire, which her grandfather Richard de Builly aforeſaid had founded and endowed.

They had iſſue a ſon *John de Veteripont*; and a daughter *Chriſtian*, married to Thomas, ſon of William, ſon of Ralph baron of Grayſtock, the wardſhip of which Thomas had been granted by the king to the ſaid Robert.

JOHN DE VETERIPONT, ſon and heir of *Robert de Veteripont* and *Idonea* his wife, was the ſecond lord of the honour of Appleby, baron of Weſtmorland, and ſheriff by inheritance; but not of the caſtle, honour, and manor of Tickhill; for his father and mother in the 6 Hen. 3. paſſed the ſame away by fine to the aforeſaid Alice counteſs of Ewe.

In the time of this John, Walter de Stirkland and Robert de Hellebeck, collectors of the aids of the crown, rendered an account of eight marks for four knights fees of John de Veteripont for his barony of Weſtmorland; of four marks for two knights fees of William de Lancaſtre for his barony of Kendale; of two marks for one knights fee of Ralph de Aincourt and Patrick ſon of Thomas of the ſaid barony of Kendale; of four ſhillings for the tenth part and twentieth part of one knight's fee of Roger de Lancaſtre of the ſame; and of ſeveral other ſmall ſhares of knights fees in ſeveral hands parcelled out in the ſaid barony of Kendale.

The ſaid John de Veteripont ſold off ſome part of the lands of the barony of Weſtmorland.

He married Sibilla daughter of William Ferrars earl of Derby, and by her had iſſue a ſon *Robert*. He died young, after he had been about 12 or 14 years lord of Weſtmorland, about the 26th year of king Henry the third.

His widow Sibilla was married afterwards to Francis de Bohune, lord of Midhurſt in Suſſex, who founded Cowdry-houſe there.

ROBERT DE VETERIPONT, ſon and heir of John, was very young at his father's death, and conſequently was a long time ward to the king, and in the cuſtody of the prior of Carliſle; who ſuffered great waſte to be made in his eſtate, his houſes at Appleby and other places to go to decay, his game to be deſtroyed, and his woods cut down; as appears by an inquiſition thereof taken at that time.

He married Iſabella Fitz Peter, ſecond ſiſter and afterwards one of the coheirs of Richard ſon of John Fitz Geofrey ſon of Geofrey Fitz Peter, baron of Berkhamſtead, and chief juſtice of England.

This Robert, after he came of full years, was one of thoſe who ſided with Montfort earl of Leiceſter and Humphrey de Bohun and other lords barons againſt king Henry the third. He died of the wounds he had received

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in the battle of Lewes in Suſſex or that of Eveſham in Worceſterſhire. And after his death, the king ſeized all his lands, but afterwards reſtored them to his children. For the ſaid king, at the interceſſion of Edward his ſon, by letters dated at Oxford, Apr. 26, in the 50th year of his reign, remitted to *Iſabella* and *Ivetta*, daughters and heirs of Robert de Veteripont deceaſed, who held of the king *in capite*, the treſpaſs which the ſaid Robert committed by adhering to Simon de Montford heretofore earl of Leiceſter and his fautors the king's enemies; ſo that the ſaid *Iſabella* and *Ivetta* be not troubled nor moleſted by any action to be brought by the king in reſpect of the lands and tenements deſcended to them from the ſaid Robert: Yet ſo, that if it ſhall happen that the ſaid *Iſabella* and *Ivetta* ſhall die without heirs of their bodies, the ſaid lands and tenements ſhall remain to the king for the forfeiture of the ſaid Robert.—Upon this Sir Matthew Hale obſerves, that there was no attainder in this caſe, and conſequently that this was not a reſtitution, but a pardon of a ſeizure, which was uſually made in the ſaid times in ſuch caſes, as well after the death, as in the life-time of the offender. So that now *Iſabella* and *Ivetta* were ſeiſed by force of the eſtate granted to their great grandfather Robert.

[Note, This is the only record wherein we have found the younger daughter called by the name of *Ivetta*; elſewhere, ſhe is called *Idonea*.]

When the wife of this laſt Robert died, is not known; but probably before him.

The elder daughter *Iſabella* was not much above ten years of age at the death of her father; and the other daughter *Idonea* was ſix or ſeven years younger. So that by reaſon of their non-age the king had them in wardſhip, and committed them to the cuſtody of two great men *Roger de Clifford* of Clifford-caſtle in Herefordſhire, and *Roger de Leybourne* of the county of Kent; who married them, after they became of proper age, to their two ſons and heirs, *Roger de Clifford*, and *Roger de Leybourne*.

In the 51 Hen. 3. there was an agreement between the two Rogers the guardians, touching a partition to be made between them. And afterwards, Roger de Clifford the father having married Iſabella to Roger his eldeſt ſon, they came to a new partition or agreement, not much differing from the former. By which, Roger de Clifford and Iſabella his wife were to have the manor of Brougham; a moiety of the manors of Merton, Appleby, Winton, and Burgh; a moiety of the foreſts of Whinfell and Mallerſtang; three parts of the manor of Meburn Regis; and a moiety of the profits of the ſheriffwick: and Idonea was to have the caſtle of Burgh; a moiety of the manors of Merton, Appleby, Winton, and Burgh; the manor of Kirkby Stephen; the caſtle of Mallerſtang; a fourth part of the manor of Meburn Regis; a moiety of the foreſts of Whinfell and Mallerſtang; and a moiety of the profits of the ſheriffwick. All which appears by the inquiſitions after the death of the two Rogers the huſbands, the one in the eleventh, and the other in the twelfth years of king Edward the firſt *.

* Dugd. MS.

The two ſiſters being then become widows, it is ſaid that Iſabella the elder ſate perſonally in court and executed the office of ſheriff. But the *profits* of the ſheriffwick, it is evident from the above inquiſitions, were divided between the two ſiſters, and the office during their lives was generally executed by an under-ſheriff. Nevertheleſs Iſabella, as the elder ſiſter, claimed the ſole right of appointing the under-ſheriff; which Idonea conteſted: and it ended in a compromiſe, that Iſabella ſhould preſent, and Idonea ſhould approve. Thus, in Michaelmaſs term, 15 Ed. 1. Iſabella de Clifford ſheriffeſs of Weſtmorland preſented to the barons of the exchequer Robert Morevill her under-ſheriff by her letters patent which the ſaid Robert produced before the ſaid barons; who was admitted, and took the oath faithfully to execute his office, and *to anſwer to her and Idonea her ſiſter parcener of the inheritance.*

And in the Michaelmaſs term in the 18th year of the ſaid king:—Whereas Iſabella de Clifford, eldeſt daughter and coheir of Robert de Veteripont heretofore ſheriff of Weſtmorland in fee, to whom belongeth the office of ſheriff of Weſtmorland according to an ordinance before the barons of the exchequer by common aſſent made between the ſaid Iſabella and Idonea her ſiſter, hath preſented to the barons Gilbert de Brundeſheved to do for the ſaid Iſabella what belongeth to the ſaid office; and in the ſame ordinance it is contained, that the ſaid Idonea ought to conſent to ſuch preſentation made or to be made by the ſaid Iſabella her ſiſter: the king, for that it hath not appeared that the ſaid Idonea hath conſented to ſuch preſentation, and that the ſaid Idonea may not be prejudiced in this behalf, hath deferred for this time to take the oath of the ſaid Gilbert for the faithful execution of his office. And day is given till the octaves of St. Hilary next following.

And in Michaelmaſs term in the 23d year of the ſaid king, Iſabella being then dead, her ſon Robert de Clifford preſented Ralph de Manneby, requeſting him to be admitted; and the ſaid Robert, being demanded what he had to ſay concerning Idonea younger daughter and coheir of Robert de Veteripont heretofore ſheriff of Weſtmorland in fee, with reſpect to her conſent to the preſentation aforeſaid, who ought to conſent to the ſame according to a compoſition heretofore made between the ſaid Iſabella and Idonea, ſaid, that he had the letters patent of the ſaid Idonea, giving her conſent, which he produced in court; *viz.* "To the venerable men and diſcreet lords the treaſurer "and barons of the exchequer of our lord the king, Idonea de Leyburne "wiſheth health in the lord: Know ye, that whereas Robert de Clifford and "I are ſheriffs of Weſtmorland in fee, and to him belongeth the preſentation "of an under-ſheriff of the ſame county, and to me the aſſent, (as in a certain "compoſition between Iſabella de Clifford mother of the ſaid Robert whoſe "heir he is and me ſome time ago in the ſame exchequer made more fully is "contained) I have aſſented in my beloved in Chriſt Ralph de Manneby, ſo "that the ſame Ralph may be under-ſheriff thereof under the ſaid Robert and "me, ſo long as it ſhall pleaſe us. In witneſs whereof, I ſend unto you "theſe my letters patent. Dated at Kymbreworth in the county of York, "on the Lord's day next after the feaſt of St. Michael the apoſtle in the 23d

" year of the reign of our lord Edward the king." And thereupon the ſaid Ralph was admitted and took the oath in that behalf accuſtomed *.

The ſaid *Iſabella* ſurvived her huſband about eight years, and never married again. *Idonea* lived many years after, and married to her ſecond huſbard John de Crombwell of a Northumberland family, but died without iſſue. After whoſe deceaſe the whole Veteripont inheritance became veſted in the heirs of *Iſabella* by her huſband *Roger de Clifford* aforeſaid, whoſe family therefore we proceed next to deduce.

He was deſcended of a noble family of the *Cliffords* of Clifford-caſtle in the county of Hereford; which had its name from being placed on a rock or *cliff*, near a *ford* upon the river Wye.

Before their coming to Clifford-caſtle, the ſurname of this family was *Pons*, and they were of Norman extraction. For this Roger who married Iſabella was deſcended of Roger ſecond ſon of Walter de Clifford and Margaret de Tony his wife, daughter and heir of Ralph de Tony lord of Clifford-caſtle (with whom he had the ſaid caſtle); which Walter, who was the firſt that aſſumed the ſurname *de Clifford*, was ſon to *Richard Fitz Pons*, ſon of William earl of Argues in Normandy, ſecond ſon of Richard duke of Normandy ſurnamed *Ponz*.

This Walter de Clifford was father of the fair but unfortunate *Roſamond*, whoſe tomb is to be ſeen at Godſtow in Oxfordſhire, to which place her father became a benefactor after her deceaſe. And from her deſcended (by king Henry the ſecond) the family of the Longſpees earls of Saliſbury; the laſt of which name, to wit, William grandſon of the firſt earl, married Maud daughter and ſole heir of Walter de Clifford, grandſon of the firſt Walter, father of the ſaid Roſamond; and they had only a daughter, whoſe name was Margaret. So that this match put a period to both theſe families of Clifford and Longſpee in the direct male line.

Roger, younger brother of the ſaid laſt Walter, married Sibilla daughter and heir of Robert de Ewias, lord and baron of Ewias-caſtle in Herefordſhire, and widow of lord Robert Tregos. They had iſſue *Roger* of whom we ſpeak, who married *Iſabella de Veteripont* as aforeſaid. And here beginneth the

1ſt Generation of the Cliffords in Weſtmorland.

The firſt of the name of Clifford, that came to be ſeated in Weſtmorland, was ROGER DE CLIFFORD ſurnamed the younger, by reaſon of his father (whoſe name alſo was Roger) being cotemporary with him; for he outlived his ſon five years.

* All this concerning the ſheriffwick was tranſcribed by Mr. Machel from the copies of records in Sir William Dugdale's collection: Which records it is probable had not occurred to the compilers of the counteſs of Pembroke's memoirs; notwithſtanding that all the public offices ſeem to have been ſearched with great diligence by the order and at the expence of the ſaid counteſs. What here follows, concerning the Cliffords, is taken chiefly from the ſaid valuable memoirs.

Both

Both he and his father were chief commanders, for 20 years together, in the wars of England, Ireland, and France, in the reigns of king Henry the third and Edward the firſt.

His paternal inheritance was the manor of Temedbury, which is part in Worceſterſhire and part in Herefordſhire; but his eſtate was largely augmented by the donation of king Hen. 3. who gave to this Roger the younger, in the 48th year of his reign, 100 marks in land, with the appurtenances, in the vale of Monmouth, for the ſervice of one knight's fee. His paternal eſtate of Temedbury continued in the family till the reign of queen Elizabeth, when it was ſold by Henry lord Clifford. The other eſtate, in the vale of Monmouth, was given back to the crown in exchange for Skipton-caſtle.

But the greateſt advancement of eſtate and honour was brought unto him by the marriage of his wife, namely, a moiety of the whole Veteripont eſtate as above ſet forth and deſcribed.

He built the greateſt part of Brougham-caſtle, and over the inner door placed this inſcription, "This made Roger:" which, by reaſon of the ambiguity, cauſed ſome to queſtion whether it was to be underſtood from thence that Roger made the caſtle, or the caſtle made him, that is, augmented his eſtate by that large acceſſion of fortune which came to him by his wife.

He was ſlain at the age of 40, in the iſle of Angleſey, in the king's ſervice againſt the Welch.

2d Generation.

ROBERT DE CLIFFORD, ſon and heir of Roger and Iſabella, was about eight years of age at his father's death.

In the 20 Ed. 1. before Hugh Creſſingham and his aſſociates, juſtices itinerant at Appleby, the king demanded againſt Idonea de Layburne, 1600 acres of wood and 1000 acres of paſture in Kirkby Stephen and Burgham, the caſtle of Burgh, the manors of Appleby, Meburn Regis, and other places; and ſet forth ſeiſin thereof in king Henry the ſecond. She alledged, that Robert de Veteripont her anceſtor died ſeiſed of the premiſſes, and they deſcended to her and Robert de Clifford within age: She prayed aid of him, and that for his non-age the plea might demur. The truth of the allegation was found by the jury, and thereupon the plea ſtayed.—Hereupon Sir Matthew Hale obſerves, that this no way impeached the title; nothing being more common in eyre, than when they found at any time a ſeiſin in the crown, to put in informations of *Quo warranto* to make the tenants ſet forth their title.

In the ſame eyre, an information of *Quo warranto* was preſented againſt the ſame Idonea, to ſhew by what right ſhe claimeth to have free chaſe in Newbiggin, Milneburne, Kirkeby Thore, Merton, Crakenthorp, Appleby, Langeton, Morton, Helton, Wardecop, Sandford, Harcla, and Nateby; and free warren in all her demeſne lands of Appleby, Merton, King's Meburne, Kyrkeby Stephan, Langeton, Ormeſheved, Great Aſkeby, Little Aſkeby, Tebay, Soulby, Nateby, Sandford, Harcla, Kabergh, Wateby, Croſſeby Gerard, Dryebeck, Great Muſegrave, Little Muſegrave, Morton, Helton, Overton,

ton, Bruham, Morland, Aſkham, Lowther, Meburne Maud, Kyrkeby Thore, Wynanderwath, Clifton, Crakenthorp, Hepp, Croſbyravenſwart, Clyburne, Milneburn, Newbiggin, Helton Flechan, Roſſegill, Bampton Patrick, Querton, Smerdale, Hellebeck, Warthecop, and Colleby; and the aſſize of ale, and weyf in the vills aforeſaid; which belong to the crown and dignity of the king; without the licence of the ſaid king and his progenitors. And Idonea cometh and ſaith, that ſhe claimeth to have free chaſe as in the writ is contained; and free warren in Appelby, Merton, King's Meburne, Kyrkeby Stephan, and Langeton, but not in the other vills. Alſo ſhe claimeth to have the aſſize of ale and weyf in Merton, King's Meburne, Kyrkeby Stephan, and the moiety of the vill of Overton; except in the lands of the abbot of St. Mary's York. And as to the other vills, ſhe claimeth to have the aforeſaid liberties in common with Robert ſon and heir of Iſabella ſiſter of the ſaid Idonea, of the inheritance of Robert de Veſpunt, father of the ſaid Idonea and grandfather of the ſaid Robert ſon of Iſabella, whoſe heirs they are. Which Robert de Veſpunt died ſeiſed of the aforeſaid tenements which the ſaid Idonea and Robert ſon of Iſabella now hold; and of the aforeſaid liberties in like manner, as appurtenant and annexed to the aforeſaid tenements. Which Robert ſon of Iſabella is under age, without whom ſhe cannot anſwer. And the jurors find, that the ſaid Robert de Veſpunt the anceſtor died ſeiſed of the aforeſaid liberties, and that the ſaid Idonea hath not ſeiſed any of the ſame as of her own proper fee, and that Robert ſon of the aforeſaid Iſabella is under age. Therefore let the plea remain till his full age.

This Robert de Clifford is ſaid to have been the greateſt man of all this family, being of a moſt martial and heroic ſpirit. In the 25 Ed. 1. when he was about 23 years of age, he was made the king's captain, and keeper of the marches in the north towards Scotland, and made ſeveral inroads into that kingdom. In the 26th of the ſaid king, he was ſummoned to come with his horſe and arms to Carliſle againſt the Scots.

He was one of the four guardians appointed by king Edward the firſt, for Edward his ſon and ſucceſſor: And was juſtice of the king's foreſts on the north of Trent.

He was made admiral of England in the firſt year of Edward the ſecond; and lord marcher alſo about the ſame time: And in reſpect of his great and laudable ſervice, had the honour of Skipton caſtle in Craven in Yorkſhire beſtowed upon him, at firſt for life, and afterwards (in conſideration of giving back to the crown the lands above mentioned in the vale of Monmouth) to him and his heirs for ever. The confirmation of the grant bears date Sept. 7. in the 4 Ed. 2.

He married Maud de Clare, daughter of Thomas de Clare, younger brother of Gilbert de Clare earl of Glouceſter and Hereford, whoſe wife was Johan de Acres, one of the daughters of king Edward the firſt. The ſaid Gilbert dying without iſſue, Maud became one of his coheirs.

This lord Robert was ſlain at the battle of Bannocks-burn or Striveling in Scotland, on the 24th of June 1314, being on a Sunday, in the 7 Ed. 2. in the

the 40th year of his age. His body was ſent to king Edward at Berwick, but where it was buried is not certainly known.

By agreement with his aunt Idonea and her ſecond huſband, this Robert enjoyed the whole Weſtmorland eſtate. And what that was, appears fully by the inquiſition taken after his death, which is the moſt compleat of any of the inquiſitions *poſt mortem* of the Clifford family. The jurors find, firſt of all, what he held of the king *in capite*, *viz.* the barony of Weſtmorland by the ſervice of four knights fees, ſetting forth the particulars, at Appleby, Burgh, Stanemore, Brough Sowerby, Winton, Mallerſtang, Langton, Brougham, Temple Sowerby, and Kirkby Thore; ſpecifying the quantities and quality of the demeſne lands, and of what value; meſſuages, cottages, ſervices of tenants, and the like: Next, they ſet forth the ſeveral free tenants who held (as meſne lords) under him by the ſervice of cornage, at Helbeck, Aſcham, Kaber, Hartley, Great Muſgrave, Little Muſgrave, Murton, Soulby, Sandford, Rookby, Warcop, Wateby, Orton, Croſby Gerard, Helton Bacon, Helton Flechan, Clifton, Brougham, Dufton, Yanewith, Bolton, Brampton, Knock, Clibburn, Colby, Hoff, Ormſhead, Newbiggin, Milburn, Kirkby Thore, Crackenthorp, Kirkber, Lowther, Meaburn Maud, Whale, Burton, Croſby Ravenſworth, Nateby, Shap, Knipe, Bampton, Aſby, Bretherdale, and Wharton; with the advowſons of Kirkby Thore, Marton, and Brougham. All which are hereafter particularly ſet forth in their reſpective places. The ſum total of the cornage amounted to 27*l* 15*s* 9*d*. The wardſhips alſo, when they ſhould happen, were reſpectively valued.

The lady Maud outlived her huſband, and married again about four years after to one Robert de Wells, and died in the firſt year of king Edward the third.

The iſſue which ſhe had to lord Robert de Clifford were,

1. *Roger*, who ſucceeded his father.
2. *Robert*, who ſucceeded his brother Roger.
3. *Idonea de Clifford*, who was married to Henry lord Piercy, and by him had iſſue that Henry lord Piercy who married Mary daughter of Henry Plantagenet earl of Lancaſter, and had iſſue by her Henry lord Piercy firſt earl of Northumberland.

3d Generation.

ROGER DE CLIFFORD, ſon and heir of Robert, was about 15 years of age at his father's death. He was attainted of treaſon in the 15 Ed. 2. (being then about 23 years of age) for adhering to Thomas earl of Lancaſter.

And during the time of his eſtate being in the king's hands, there is a writ in the 19 Ed. 2. to the conſtable of the king's caſtle at Appleby, to pay four marks yearly out of his cornage or horngelt to Shap abbey, which abbey had been endowed therewith by Robert ſon of John de Veteripont; which ſeems to have been then behind and unpaid, ſince the forfeiture of Roger aforeſaid.

And the king granted to Sir Andrew de Harclay the caſtles and manors of Brougham, Mallerſtang, King's Meaburne, Kirkby Stephen, and Langeton, with

with the wood of Whynnefeld, together with the ſheriffwick; reſerving to himſelf the cornage *. Which being again forfeited by Sir Andrew, the ſame, together with the reſt of the eſtate, lands, and honours were reſtored to the ſaid Roger by king Edward the third in the firſt year of his reign. But he enjoyed them not above a month, until he died.

He was never married; ſo that his brother Robert ſucceeded to his honours and eſtate.

He had ſome illegitimate children by one Julian of the Bower; for whom he built a little houſe hard by Whinfell, which ſtill bears her name.

ROBERT DE CLIFFORD, ſecond ſon of Robert, ſucceeded his brother Roger. This Robert received a great addition to his eſtate by the death of his great aunt Idonea de Veteripont, who had been married, as is aforeſaid, to Roger de Layburne (to whom ſhe had iſſue a ſon *John*, who died an infant); and after that, to John de Crombwell, to whom ſhe had no iſſue. She died in a good old age, about the 8th year of king Edward the third, after having ſurvived her father about 70 years. By whoſe death the eſtate of the Veteripont, which had been divided between the two ſiſters for want of male iſſue, became again united in the ſame family.

This Robert lived for the moſt part a country life; no martial atchievements being recorded of him, further than that he accompanied the earl of Warwick and other lords with an army into Scotland.

He married Iſabella de Berkeley, daughter of Maurice lord Berkeley, of Berkeley-caſtle in Glouceſterſhire: And had for her portion 1000*l* and 50 marks, with a gown of ſcarlet cloth having a cape furred with the beſt miniver; and for the honour of the bride, her brother the lord Berkeley and his lady were attired in the like apparel. The bride-ſaddle coſt 5*l* (that is about 50*l*, according to the preſent diminiſhed value of the coin). All the lands of Skipton, and a great part of the lands in Weſtmorland, were ſettled upon her by way of jointure.

He died, May 20, in the 18 Ed. 3. in the 39th year of his age or thereabouts, having poſſeſſed his eſtate about 17 years; and was buried in Shap abbey, as moſt likely ſeveral of his anceſtors had been before.

His wife ſurvived him; and married again, about two or three † years after his deceaſe to Sir Thomas Muſgrave knight, whom ſhe left ſurviving.

The iſſue which lord Robert had by his ſaid wife were,

1. *Robert*, his eldeſt ſon and heir.

* 2 Dugd. Bar. 97.

† So ſay the counteſs of Pembroke's Memoirs. But here ſeems to be a ſmall miſtake (not very material) concerning the time of the ſaid Iſabella's widowhood. For there is an account of a fine paid into the exchequer on the 9th of June, in the 19th of Edward the third, of 200*l*, by Thomas de Muſgrave, for the treſpaſs which he committed in marrying Iſabella who had been the wife of Robert de Clifford. (*Dugd. MS.*)—The former huſband died the 20th of May, and the fine was paid into the exchequer within a little more than a year after, and the marriage muſt have been ſome time before the payment of the fine. So that it is moſt probable that ſhe married *intra annum luctus* (within the year of mourning); which by the civil law, then much in uſe in England, it was not lawful to do, without a ſpecial diſpenſation from the prince.

2. *Roger*, who ſucceeded his brother Robert.

3. *Thomas*; from whom deſcended Richard de Clifford, who was biſhop of Worceſter, and afterwards of London.

4th Generation.

ROBERT lord CLIFFORD, ſon of Robert and Iſabella de Berkeley, was 13 years and 6 months old at the death of his father, and conſequently was ward to the king 7 years and 6 months. And notwithſtanding his being ſo young, he was married before his father's death, to Euphemia one of the daughters of Ralph de Nevill lord of Middleham-caſtle in Yorkſhire, and ſiſter of Ralph de Nevill the firſt of that family who was created earl of Weſtmorland.

He ſerved king Edward the third in his wars in France, and was with the Black Prince in the battle of Creſſy, when he was but 16 years of age.

The ſaid king by his letters patent granted to this Robert, for his good and laudable ſervice, 12*l* 14*s* 8½*d* of lands which were Chriſtopher Seaton's, the king's enemy, in Cumberland.

He had the leaſt eſtate of any of the lords Cliffords either before or after him, by reaſon that his mother had all the lands in Skipton, and great part of the lands in Weſtmorland in her jointure during his life, and ſhe outlived him two months.

He died, in France as is ſuppoſed, about the 32d year of his age, without any iſſue.

His widow was afterwards married to Sir Walter Hazlerton, and died in the 18 Ric. 2.

ROGER DE CLIFFORD ſecond ſon of lord Robert and Iſabella de Berkeley, was accounted one of the wiſeſt men of his time. He was a man of much gallantry and valour, being often in the wars both in France and Scotland; particularly, in that remarkable ſea voyage of the earl of Arundel, when he tranſported a great army to aſſiſt the duke of Britanny againſt the French king. He was a lover of building, and took great care to repair the ancient caſtles, the ſeats of his anceſtors.

In Michaelmaſs term, 3 Ric. 2. he preſented to the treaſurer and barons of the exchequer William de Lancaſtre (baron of Kendal) to be his under-ſheriff, during his pleaſure. Whereupon a mandate was iſſued to the abbot of Shap to adminiſter to him the oath of office, and notify the ſame to William de Warthecop the late under-ſheriff, requiring him to deliver over to the ſaid William de Lancaſtre by indenture the writs and other things belonging to the ſaid office.

One Robert de Herle, knight, releaſed and quit-claimed to this Roger, his heirs and aſſigns, all his right and claim in one meſſuage and tenement in Fleet-ſtreet, next to St. Dunſtan's church, which is now one of the inns of chancery, and ſtill called by the name of Clifford's Inn.

He

He married Maud de Beauchamp, daughter of Thomas earl of Warwick, by Katherine his wife, who was daughter of Roger Mortimer earl of March.

He died in peace at home, which few of his anceſtors or ſucceſſors did, in the 15 Ric. 2. juſt 100 years after the death of his great grandmother Iſabella de Veteripont, in the 57th year of his age.

His wife died in the 4 Hen. 4. having lived his widow about 12 years.

They left iſſue,

1. *Thomas*, their eldeſt ſon and heir.

2. Sir *William Clifford*, governor of Berwick; who married Anne daughter and coheir of Thomas lord Bardolph, and died without iſſue.

2. Sir *Lewis Clifford*, who in the 47 Ed. 3. accompanied the duke of Lancaſter into France. He was choſen one of the knights of the garter. In the 9 Ric. 2. he was commander in chief of the city of Carliſle, when the Scots and French attacked it, which he valiantly defended, and forced them to retire. The ſaid duke of Lancaſter was a favourer of the doctrines of Wicliff, which induced ſeveral of the followers of that duke to eſpouſe thoſe doctrines. Amongſt whom was this Sir Lewis Clifford: But he afterwards renounced the ſame, and confeſſed his error to the archbiſhop of Canterbury. And this explains ſome remarkable paſſages in his will, the probate whereof bears date Dec. 5, 1404. "The ſevententhe day of September, the yere of our lord "Jeſu Chriſt a thouſand foure hundred and foure, I Lowys Clyfforth, fals and "traytor to my Lord God and to all the bleſſed company of hevene, and unworthi to be clepyd a Chriſten man, make and ordeine my teſtament and "my laſt will in this manere. At the begynning I moſt unworthi and Goddis "traytor recommaunde my wrechid and ſynfule ſoule hooly to the grace and "to the grete mercy of the bleſſed trynytie, and my wrechid careyne to be "beryed in the fertheſt corner of the chirche-zerd, in which pariche my "wrechid ſoule departeth fro my body. And I prey and charge my ſurvivors "and myne executors, as they wollen anſwere to fore God, and as all myne "hoole truſt in this matere is in him, that on my ſtinking careyne be neyther "leyd clothe of gold, ne of ſilke, but a black clothe, and a taper at myne "hed, and another at my fete, ne ſtone ne other thing, wherby eny man "may witt where my ſtynkyng careyne liggeth. And to that chirche do "myne executors all thingis, which owen duly in ſuch caas to be don, without eny more coſt ſaaf to pore men. And alſo I prey my ſurvivors and "myne executors, that eny dette that eny man kan axe me by true title, that "hit be payd. And yf eny man kan trewly ſay, that I have do hym eny harme "in body or in good, that ye make largely his gree, whyles the goodys wole "ſtreeche. And I wole alſo, that none of myne executors meddle or mynyſtre "eny thinge of my goodys, withoutyn avyſe and conſent of my ſurvivors or "ſum of hem. I bequethe to Sire Phylype la Vache knight my maſſe book "and my porhoos, and my book of tribulacion to my daughter his wyf."—All the reſt of the will is in latin, in which he gives the reſidue of his goods to Phylype la Vache, John Cheynee, and Thomas Clanvow, knights; and conſtitutes

conſtitutes executors John Andrew, John Carleton, Walter Gaytone, and Thomas Barbowe *.

From all which circumſtances put together, it ſeems not improbable that the above recited Engliſh part was dictated by the archbiſhop by way of penance for his (ſuppoſed) hereſy. And no doubt care would be taken after his death, that the ſame (for the example ſake) ſhould be ſufficiently made public.

This Lewis was anceſtor of the preſent lord Clifford of Chudleigh in Devonſhire.

4. *Margaret*; married to Sir John Melton.

5th Generation.

THOMAS, ſon and heir of Roger, was about 26 years of age at the death of his father. In his youth, he was much at court, and in great favour with king Richard the ſecond, and ſomewhat wild and extravagant; for he was one of thoſe that were baniſhed the court by authority of parliament in the year 1387.

He married Elizabeth Roſs, daughter of Thomas lord Roſs of Hamlake-caſtle in Yorkſhire.

He went with Thomas of Woodſtock, duke of Glouceſter, into the country of Spruce in Germany, againſt the infidels; where he was ſlain, on the 4th of October 1393, in the 17 Ric. 2. In which year his wife's father died in the city of Paphos in the iſle of Cyprus, as he was returning from the holy land.

She outlived her huſband about 31 years, remaining a widow.

They had iſſue,

1. *John*, who ſucceeded to the inheritance.

2. *Maud*; who was married, as ſecond wife, to Richard Plantagenet earl of Cambridge; which Richard was beheaded at Southampton in the 3d year of Hen. 6. and left no iſſue by her. But by his former wife, Anne Mortimer, he had iſſue Richard Plantagenet duke of York, which Richard was father to king Edward the fourth. This Maud lived to a very great age.

6th Generation.

JOHN, ſon and heir of Thomas, was ward to the king when only two years of age, by reaſon of the untimely death of his father.

On the 16th of November next after the ſaid Thomas's death, the king granted the ſheriffwick of Weſtmorland to his queen conſort; and the queen granted the ſame to Elizabeth mother of the ſaid John, with the king's conſent and confirmation †.

* Dugd. Bar. 341. † Dugd. MS.

This John when he grew up, was highly favoured (by reaſon of his valour and good experience in martial affairs) by king Henry the fifth, by whom he was made knight of the garter. In that king's wars in France, the ſaid John was by articles between the ſaid king and him, to carry over a number of men at arms, to wit, 3 knights, 47 eſquires, and 150 archers, one third of them on foot, and the reſt on horſeback. To himſelf was allowed 4*s* a day, to the knights 2*s*, to the eſquires 1*s*, and to the others 6*d*.

King Henry the fifth, at the coronation of his wife queen Katharine, who was daughter of Charles the ſixth of France, honoured him with the office of butler at that ſolemnity.

He married Elizabeth Piercy, only daughter of Henry lord Piercy, ſurnamed Hotſpur, by Elizabeth Mortimer his wife; which Elizabeth Mortimer was daughter of Edmund Mortimer third earl of March, by Philippa Plantagenet ſole daughter and heir of Lionel duke of Clarence.

This John lord Clifford was ſlain at the ſiege of Meaux in France, by the quarrel (or nutt) of a croſs-bow, in the 10 Hen. 5. being of the age of 32 years or thereabouts.

His mother Elizabeth was then living; for the inquiſition after his death finds, that he died poſſeſſed of the ſheriffwick of Weſtmorland, except a third part of the ſaid office, which his mother had in dower. But ſhe died ſoon after.

His wife married again about four years after his death, to Ralph Nevil, ſecond earl of Weſtmorland, and had by him one ſon only, which was John lord Nevil, who died before he came to be earl of Weſtmorland, being ſlain at the battle of Towton-field in Yorkſhire. The misfortunes of the wars between the houſes of York and Lancaſter ſo purſued her, that in her time her grandfather the earl of Northumberland was beheaded, and her father ſlain in battle, her huſband the ſaid John lord Clifford was ſlain, and after her death her ſon Thomas lord Clifford and her ſon John lord Nevil were both ſlain, and ſo was her grandſon John lord Clifford. She died in the 14 Hen. 6. and was buried at Staindrop in the county of Durham, where ſome of the Nevil family lie interred.

The iſſue which ſhe had by John lord Clifford were as follows:

1. *Thomas*, the eldeſt.
2. *Henry*, who died without iſſue.
3. *Mary*, married to Sir Philip Wentworth, of a younger branch of the family of Wentworth Woodhouſe.

7th Generation.

THOMAS, ſon and heir of John lord Clifford, was not much above ſeven years of age when he ſucceeded to the inheritance (by reaſon of the untimely death of his father, who was ſlain as aforeſaid), and was in ward 13 years by reaſon of his minority.

It

It is evident by Hollingſhead, Stowe, and other chronicles and records, that this Thomas lord Clifford did brave ſervice as a chief commander in the wars of France. At the aſſault of Poictiers, he and his men, it being then ſnow, cloathed themſelves in white, and by that means ſurprized the town, about the year 1438, which he ſtrongly defended in 1440, being the 18 Hen. 6. againſt the aſſaults of the French king, who endeavoured to retake it. He was alſo an eminent commander in the civil wars of that age in England. With much courage and activeneſs, he took part with Henry the ſixth againſt Richard Plantagenet duke of York. In which wars alſo his young ſon John was a leading man and commander, for two or three years together during his father's life; whereupon Thomas was called Old lord Clifford, though he was then under 40 years of age.

He married Johanna daughter of Thomas lord Dacre of Gilſland by Philippa his wife; which Philippa was daughter of Ralph de Nevil firſt earl of Weſtmorland. She died before her huſband.

He was ſlain in the firſt battle of St. Alban's in the 40th year of his age, where he died fighting in his ſovereign's behalf, together with his uncle Henry Piercy ſecond earl of Northumberland, May 22, 1455. And they were buried, together with a great many other perſons of quality, in the abbey church there.

He left nine children; four ſons, and five daughters.

1. *John*, the eldeſt ſon and heir.

2. *Roger*, who married the ſiſter and heir of one of the Courtneys in Devonſhire, and had one ſon; but the family in two or three deſcents became extinct in daughters.

3. *Robert*, who married one of the Berkeleys, who was then widow of one alderman Joſcelin of London; by whom he had iſſue; and from them did lineally deſcend George Clifford of Lincolnſhire, who married Urſula Digby. He left behind him a daughter, whoſe name was Urſula. This Robert was deeply engaged in Henry the ſeventh's time in the buſineſs concerning Perkin Warbeck.

4. *Thomas*, who was a brave man, and died aged in the reign of Hen. 7. having born many offices. He died without iſſue.

5. *Elizabeth*, who was the eldeſt daughter, and indeed the firſt child. She was married firſt to one Plompton, in Skipton caſtle, when ſhe was but ſix or ſeven years of age; but he dying before ſhe was twelve years of age, ſhe was married to his ſecond brother, by a diſpenſation from the pope, which is ſtill to be ſeen in Skipton-caſtle.

6. *Maud*, married to Sir Thomas Harrington knight, and after his death to Sir Edward Dudley knight; to both of which huſbands ſhe had iſſue.

7. *Anne*, married firſt to Sir Richard Tempeſt knight, and after that to Sir Richard Conyers knight, to both of whom ſhe had iſſue.

8. *Joan*, married to Sir Richard Muſgrave of Hartley-caſtle knight, from whom the preſent Sir Philip Muſgrave baronet is deſcended.

9. *Margaret*, married to one of the Carres of Lincolnſhire.

8th Generation.

JOHN, at the death of his father, was 20 years and 23 weeks old; whereupon he became ward to the king for half a year and three weeks, although he had been a commander in the king's army for three years before that.

After his father's death, he continued active in the king's ſervice in the civil wars, which were then very hot between the houſes of York and Lancaſter.

In Grafton's and Speed's account of thoſe times it is recorded, that this John lord Clifford was one of the chief leaders of the queen's army in December 1460 (the king being then a priſoner), together with lord Nevil and lord Roſſe and in effect all the northern nobility, at Wakefield battle; where the duke of York amongſt many nobles was ſlain, with his young ſon the earl of Rutland, who fell in flight by the hands of lord Clifford, in part of revenge; for the earl's father had ſlain his. A deed which worthily blemiſhed the author (ſaith Speed); but who (as he adds) can promiſe any thing temperate of himſelf in the heat of martial fury? chiefly, when it was reſolved not to leave any branch of York line ſtanding (for ſo one maketh this lord to ſpeak *).—And the earl was no child, as ſome writers would have him, but able to bear arms, being 16 or 17 years of age, as is evident (ſay the counteſs of Pembroke's memoirs) from this, that he was next child to king Edward the fourth that his mother had by Richard duke of York, and that king was then 18 years of age: And for the ſmall diſtance betwixt her children, ſee Auſtin Vincent in his book of Nobility, page 622; where he writes of them all, being 12 in number. The lord Clifford was then 25 years of age.

The ſaid lord John was at the ſecond battle of St. Albans, where king Henry the ſixth was brought into his tent on the 17th of February, and met his wife there, with his ſon prince Edward, to his exceeding great joy. But it laſted not long; for on the 28th and 29th of March following, the latter of thoſe days being Palm Sunday, was the great battle fought between Towton and Saxton in Yorkſhire, where king Henry's party was totally overthrown, and this lord John ſlain, between Ferrybridge and Caſtleford by the river Aire,

* Grafton's account of this matter is thus: "While this battaile was in fighting, a prieſt called Sir Robert Aſpall, chaplaine and ſcholemaſter to the yong erle of Rutland, the ſecond ſon to the above named duke of York, ſcarce of the age of 12 years, a fayre gentleman, and a maydenly perſon, perceiving that flight was more ſavegard than tariyng both for him and his maſter, ſecretly conveyed the erle out of the field, by the lord Cliffordes bande, toward the towne; but or he could enter into a houſe, he was by the ſayde lord Clifforde eſpyed, folowed, and taken, and by reaſon of his apparell demanded what he was. The yong gentleman, diſmayde, had not a word to ſpeak, but kneeled on his knees cravyng mercy and deſiring grace, both with holdying up his hands and making a dol rous countenance, for his ſpeeche was gone for feare. Save him, ſaid his chapleyn, for he is a prince's ſonne, and paradventure may do you good hereafter. With that worde, the lord Clifforde marked him, and ſayde, By God's blood, thy father ſlue mine, and ſo will I do thee and all thy kinne; and with that worde ſtrake the erle to the hart with his dagger, and bad his chapleyn beare the erle's mother and brother worde what he had done and ſayde. In this act, the lord Clifforde was accompted a tyraunt and no gentleman."

where

where he was ſeeking for a paſſage; for having put off his gorget a little before, either through pain or heat, he was ſhot into the throat with a headleſs arrow.

It is remarkable, that he, his father, and great-grandfather, all died in the wars; the two former beyond the ſeas, and the two latter at home.

His wife was Margaret Bromflett, by birth baroneſs of Veſcy, and the firſt who brought that title to the Cliffords. She was daughter and ſole heir of Henry Bromflett, by Elinour daughter of lord Henry Fitz Hugh. Her father was created baron of Veſcy by king Hen. 6. or rather indeed reſtored thereunto, for he had title by right of his mother from William lord Veſcy of Alnwick. Her paternal coat was, In a ſhield Or, a plain croſs Sable. She outlived her ſaid huſband 32 years; for he was ſlain (as aforeſaid) March 29, 1461, in the 26th year of his age, and interred with many other knights and gentlemen of quality to the number of 4 or 5000 perſons in a pit by the river Aire, near to the place where the battle was fought, where a chapel (now decayed) was built, and did for ſome time remain their monument.

His widow was afterwards married to Sir Lancelot Threlkeld of Threlkeld in Cumberland, who proved a very kind huſband to her, and helped to conceal her two children, which ſhe had by her ſaid former huſband the lord Clifford, from the fury of king Edward the fourth and the houſe of York, to which their father and grandfather had been very active and mortal enemies. She had ſeveral children to Sir Lancelot; one of whom named Anne was married to Sir Hugh Lowther of Lowther. She died at her own houſe of Louſbrough, Apr. 12, 1493; whoſe monument remaineth in the church there to this day.

The iſſue which the ſaid John lord Clifford had by the ſaid Margaret his wife were,

1. *Henry*, the eldeſt.

2. *Richard*; who, together with his brother, was concealed by their mother; and for the more ſecurity, ſhe conveyed him over the ſeas; where he died young, in the Low Countries, without any iſſue.

3. *Elizabeth*, married to Sir Robert Aſke; from whom deſcended the Aſkes of Yorkſhire, and the lord Fairfax of Denton in the ſame county *.

9th Generation.

HENRY, ſon of John lord Clifford and Margaret his wife, was 7 years old or thereabouts at the death of his father. He was deprived of his lands and honours during the ſpace of 24 years, from the firſt year of Edward the fourth to the firſt year of Henry the ſeventh. All which time he lived as a ſhepherd, in Yorkſhire, or in Cumberland about Threlkeld where his father-in-law's eſtate was, and ſometimes in the borders of Scotland. During which time,

* The inquiſition *poſt mortem* of the ſaid John is very laconic and conciſe: The jurors find, That he was attainted of high treaſon by virtue of an act of parliament in the 1 Ed. 4. That he died on Palm Sunday in that year; and held nothing in any county. *(Dugd. MS.)*

we

we find ſeveral grants of the Cliffords eſtates to divers perſons; and, amongſt the reſt, one to Richard duke of Glouceſter, who was afterwards king Richard the third. And the ſaid Richard, when king, granted the ſheriffwick to Sir Richard Ratcliffe during his life, for his good ſervices; the ſaid ſheriff to appoint an under-ſheriff yearly *.

But when king Henry the ſeventh obtained the crown, the good ſervices of the anceſtors of this Henry lord Clifford were called to remembrance, and he was reſtored (by an act of parliament made in the firſt year of the ſaid king Henry the ſeventh, intitled, "An act for Henry lord Clifford") to his eſtate and honours. Which act was the principal ground of the lady Anne Clifford's title to the ſame, in thoſe ſuits which were managed in her behalf during her infancy, againſt her uncle Francis lord Clifford earl of Cumberland.

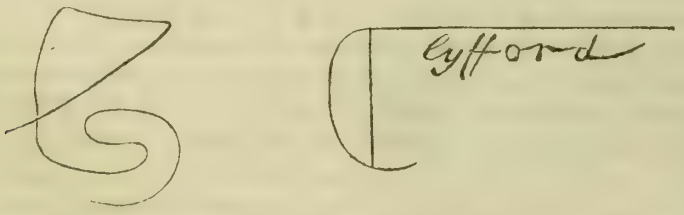
From henceforth the ſaid Henry lord Clifford became baron of Weſtmorland, and hereditary ſheriff of the ſame, lord alſo of the honour of Skipton, and baron of Veſcy.

Before this time, he was not able to write any thing at all, by reaſon of his obſcurity and illiterate education. He now learned to write his name, but no more †. When called to parliament, he behaved nobly and wiſely; but otherwiſe came ſeldom at London or the court; and rather delighted to live in the country, where he repaired ſeveral of his caſtles which had gone to decay during the late troubles. He was about 31 years of age when he came to his eſtates, and enjoyed the ſame about 37 years.

He was twice married; firſt, to Anne daughter of Sir John St. John of Bletſo; which wife of his was couſin-german by the half blood to king Henry the ſeventh; for her father was half brother to Margaret counteſs of Richmond

* Denton.

† There is yet extant a grant under the ſignature of this Henry lord Clifford, which was found amongſt the evidences belonging to the lords of the manor of Ormeſhead, dated Nov. 4. in the 20 Hen. 7. whereby the ſaid Henry lord Clifford, Weſtmorland, and Veſcy, in conſideration of the releaſing by Robert Barton lord of the manor of Ormeſhead all right and title to an Intack called Luckmanflat, grants and releaſes to the ſaid Robert Barton and his heirs, all that ground, feeding, paſture, and common, from the ſaid Intack dike nuke over the ſtreet england ‡ Stanbarr leas dike, joining to a paſture at the head of Stanbarr gill, and from thence england the ſame to Ravenſtandale way, and over it ſtill england the outſide of Bradmyre, as the ſike deſcendeth from towards the Rutter unto a great ſtone lying without the dike, where the lands of the aforeſaid lord and the lands of the ſaid Robert and the Rutter bounders meet. In witneſs whereof, the ſaid lord putteth both his ſeal and *ſign manual* (thus):



The letters *lyfford* (well written) ſeemingly by another hand.

‡ *England*, an old word, ſignifying *over againſt*.

and

and Derby, who was mother to the ſaid king Henry the ſeventh. She died in the 21ſt year of the ſaid king, and was buried in Skipton church vault, having been his wife 21 years.

He was married the ſecond time to Mrs. Florence Pudſey; who outlived him, and was afterwards married to Richard lord Grey, one of the younger ſons of Thomas the firſt lord marquis of Dorſet which was of that family.

He died in the 15 Hen. 8. in the 70th year of his age; and was buried either at the abbey of Shap, or at the abbey of Bolton in Craven in the county of York; for ſo he requeſted in his laſt will. But at which of them he was buried, is not certainly known.

The iſſue which he had by his two wives (beſides ſeveral illegitimate children) are as follows:

By his firſt wife Anne St. John,

1. *Henry*, who ſucceeded him.

2. *Thomas*, who married Lucy daughter of Sir Anthony Brown, who was governor of Berwick caſtle, and enjoyed divers other places of truſt, under king Hen. 8. The ſaid Thomas died without iſſue.

3. *Mabill*, who married William Fitz-William earl of Southampton; by whom he had iſſue two ſons, who lived to be men, but died without iſſue.

4. *Elianore*, married to one Markenfield.

5. *Anne*, married to Robert Medcalf, from whom a family of the Medcalfs is deſcended.

6. *Johan*, married to Sir Ralph Bowes; from whom deſcended the family of Bowes in Yorkſhire.

7. *Margaret*, married to Cuthbert ſon and heir of Sir Edward Ratcliffe of Corington in Northumberland. They had Derwentwater ſettled upon the marriage, and her portion was 500 *l.*

By Florence his ſecond wife, he had two or three ſons, who all of them died when they were very young. And a daughter *Dorothy*, married to Sir Hugh Lowther of Lowther; whoſe grandfather Sir Hugh was he who married Anne Threlkeld daughter of Sir Lancelot Threlkeld by the baroneſs Veſcy.

10*th Generation.*

HENRY, ſon and heir of Henry lord Clifford and Anne St. John his wife, was about 30 years of age when his father died. So that he was immediately thereupon poſſeſſed of his father's lands, titles, and honours; unto which were added, the earldom of Cumberland, and order of the garter. For about two years after his father's death, he was created earl of Cumberland by king Henry the eighth; and ſome years after, knight of the garter. He was alſo made by the ſame king lord preſident of the north parts of England, and many times lord warden of the marches. And he was employed in all the armies ſent into Scotland in the ſaid king's reign, and ever behaved himſelf nobly and valiantly. But the greateſt inſtance of that king's favour towards him was, the marrying his niece Elianor Brandon, daughter of his youngeſt ſiſter the ducheſs of Suffolk,

folk, to the eldeſt ſon of this ſame Henry lord Clifford. He was one of the moſt eminent lords of his time, for nobleneſs and gallantry; through which he waſted ſome part of his eſtate.

He was twice married; firſt, with Margaret Talbot eldeſt daughter of George earl of Shrewſbury the fourth of that family: But ſhe died very young, within two or three years after their marriage, and left no iſſue.

His ſecond wife was Margaret Piercy, daughter of Henry Piercy fifth earl of Northumberland. She had for her portion all thoſe lands in Craven, which are called Piercy's fee.

He died at Skipton caſtle in the 34 Hen. 8. in the 49th year of his age; having been poſſeſſed of his lands of inheritance about 19 years; and was buried with ſeveral of his anceſtors in Cliffords vault there.

Margaret his wife ſurvived him about two years, and died alſo at Skipton as is ſuppoſed, and was buried next unto him in the ſame vault.

They had iſſue,

1. *Henry.*

2. *Ingelram*; who married Anne, daughter and ſole heir of Sir Henry Ratcliffe, knight; and they had iſſue two daughters only, who died in their infancy.

3. *Katharine*, married to John lord Scroope of Bolton caſtle in Yorkſhire; and afterwards to Sir Richard Cholmeley.

4. *Maud*, married to Sir John Conyers, eldeſt ſon to lord Conyers of Hornby caſtle in Yorkſhire.

5. *Elizabeth*, married to Sir Chriſtopher Medcalf of Napper in Yorkſhire knight. She ſeems to have been unmarried at the time of her father's death: For by his will, which bears date only 20 days before his death, he orders, that the lady Elizabeth his daughter ſhall have, for her marriage preferment and neceſſary living, 1000 *l*, if ſhe be married to a man of honour, being an earl, or an earl's ſon and heir or heir apparent, his lands being unherited; and if ſhe be married to a baron, or a baron's ſon and heir apparent, having his lands not herited, 1000 marks; and if ſhe be married unto a knight, having his lands unherited, 800 marks.

6. *Jane*, married to Sir John Huddelſton of Millum knight.

11*th Generation.*

HENRY CLIFFORD, ſecond earl of Cumberland, ſon and heir of Henry the firſt earl by Margaret Piercy his wife, was in his father's lifetime made knight of the Bath, at the coronation of queen Anne of Bullen, being then in the 16th year of his age. And when he was about 25, by the death of his father he became poſſeſſor of his lands and honours. He waſted ſome part of his eſtate, and ſold the manor of Temedbury before mentioned, given by Walter the ſecond lord Clifford and Agnes de Condy his wife to their younger ſon Roger, after it had continued in the name and family 326 years. In the latter end of his time, he retired and lived a country life.

He

He was twice married: Firſt, to the lady Elinour Brandon, youngeſt daughter of Charles Brandon duke of Suffolk, by his wife Mary who was the French queen.

His ſecond wife was Anne, youngeſt daughter of William lord Dacre of Gilſland and Grayſtock, by Elizabeth Talbot daughter of George fourth earl of Shrewſbury. They were married in Kirk Oſwald caſtle, about the latter end of the reign of king Edward the ſixth. She outlived her huſband, and died at Skipton 11 years after, and was buried in the vault there, in the 48th year of her age; leaving this note of her good houſwifry behind her, that ſhe never came at London in all her life, but employed herſelf wholly in domeſtic affairs.

By his firſt wife he had ſeveral ſons, who all died in their infancy: And one daughter *Margaret*, married to Henry Stanley lord Strange, afterwards earl of Derby.

By his ſecond wife, the lady Anne Dacre, he had,

1. *George*, his elder ſon.

2. *Francis*; who was made knight of the Bath by king James the firſt, when his ſon Charles was made duke of York. By the death of his brother George without male iſſue, he ſucceeded to the title of earl of Cumberland. He married Griſſel Hughes daughter of Mr. Thomas Hughes of Uxbridge, and widow of Edward Nevill lord Abergavenny. By whom he had ſeveral children, (1) George, who died an infant. (2) Henry, who lived to be the fifth earl of Cumberland, the laſt heir male of the northern Cliffords; for though he had five children, three ſons and two daughters, yet they all died young, except one daughter Elizabeth married to Richard Boyle earl of Cork, and afterwards of Burlington. (3) Margaret, married to Sir Thomas Wentworth, afterwards earl of Strafford, who was beheaded in 1641. She was his firſt wife, and had no iſſue to him. (4) Frances, married to Sir Gervaſe Clifton.

3. *Frances*; who was married to Philip lord Wharton, and had ſeveral children to him. She died at Wharton-hall in 1592, and was buried in Kirkby Stephen church.

4. *Mary*, who died an infant.

5. *Elianore*, who alſo died unmarried about 14 or 15 years of age.

12*th Generation.*

GEORGE, the third earl of Cumberland, ſon and heir of Henry by his wife the lady Anne Dacre, was born in Brough caſtle in the laſt year of queen Mary. His father died before he was 12 years of age; ſo that he became ward to queen Elizabeth during his minority, which wardſhip ſhe beſtowed on Francis earl of Bedford, whoſe daughter he married.

He ſtudied ſome time at Oxford, under the tuition of Dr. Whitgift, afterwards archbiſhop of Canterbury. And here he obtained ſome knowledge in the arts, and eſpecially in mathematicks, which did not only incline him thereto, but rendered him more fit for maritime employment, in which he excelled.

excelled. For he undertook 11 or 12 expeditions; his firſt putting out being in 1587, with a deſign againſt the duke of Parma; the ſecond againſt the Spaniſh armada in 1588; the third againſt the iſles of Terceres and Azores, where he took the town of Fyall, being dangerouſly wounded in the aſſault. The reſt were performed with equal valour and ſucceſs. His laſt expedition was againſt St. John de Porto Rico, where he won the town, and returned victorious in 1598. He was a man of great quickneſs of wit, activity of body, and affable diſpoſition. Queen Elizabeth made him knight of the garter; and he was her champion in all the tilting, from the 31ſt year of her reign till the time of her death. And in that he excelled all the nobles of his time. For he was ſo much addicted to tilting, horſecourſing, ſhooting, and other active (but expenſive) exerciſes, that theſe recreations, next to his ſea voyages, many of which were ſuſtained and managed at his own proper coſt, were the great occaſion of his ſelling of lands; and he is ſaid to have conſumed more than any one of his anceſtors beſides. The armour which he wore is yet to be ſeen in Appleby caſtle.

He was one of the forty peers, who (together with five of the judges) were commiſſioned to try Mary queen of Scots; and after her attainder, was one of the four earls who were ſent down to Fotheringay caſtle, to be preſent at the execution.

His wife was the lady Margaret Ruſſel, youngeſt daughter of the earl of Bedford aforeſaid, by Margaret his wife daughter of Sir John St. John baron of St. John of Bletſo in Bedfordſhire. She outlived her huſband ten years, and died at Brougham caſtle, and was buried in Appleby church, where her ſtately monument remains to this day.

He died in 1605, in the 48th year of his age, and was buried in the vault at Skipton. Whither alſo afterwards his brother Francis's body was brought, and alſo the body of Henry ſon of the ſaid Francis: Which Henry was the laſt earl of Cumberland, and the laſt heir male of this family of the Cliffords. And it is remarkable, that when the body of Henry was brought thither, there was but one vacancy left, ſo that he filled up the laſt ſpace in that vault called Clifford's.

He had iſſue by his ſaid wife,

1. *Francis*, who died about the age of five years.

2. *Robert*, who alſo died in his infancy.

3. *Anne*, married firſt to Richard Sackville lord Buckhurſt, afterwards earl of Dorſet; and afterwards to Philip Herbert earl of Pembroke and Montgomery.

And having thus no iſſue male ſurviving, the ſaid George, for the preſervation of his name and family, in the 33 Eliz. levied a fine, and cut off an intail of the eſtate which had been made by his father, and ſettled the ſame to himſelf and his wife for life, then to the heirs male of his body, then to his brother Francis and the heirs male of his body, in default of theſe to the heirs (general) of his own body, and in default of theſe to his own right heirs for ever.

For

For further aſſurance, in the 3 Ja. he executed a deed to corroborate the ſame.

And in the ſame year, by his will he deviſed the ſame to the purpoſes aforeſaid; giving to his daughter, beſides the ſaid reverſion, the ſum of 15000 *l* for her portion. He deviſed alſo the ſheriffwick to his brother: which not being in the aforeſaid intail, his brother took poſſeſſion thereof during the widow's life.

13th Generation.

ANNE, ſole daughter and heir of George earl of Cumberland, by his wife the lady Margaret Ruſſel. Upon her father's death, ſhe (by the advice and under the direction of her mother) conteſted the ſettlement; grounding her claim, on the intail by king John upon Robert de Veteripont and the heirs of his body by his then wife; on the like grant by king Edward the third to the two daughters of the ſecond Robert upon the forfeiture by their father; and on the aforeſaid act of parliament in the 1 Hen. 7.

Upon this, king James (who commonly made himſelf a party in any cauſe of conſiderable conſequence depending in his courts either of law or equity) in order to ſtrengthen the earl Francis's title, in the fifth year of his reign, granted to the ſaid Francis, his heirs and aſſigns, to the effect following; to wit, "All our caſtles, demeſnes, and manors, of Appleby and Burgh; and alſo the whole bailiwick or office of ſheriff of the county of Weſtmorland, and the rents of the county of Weſtmorland aforeſaid, and the ſervices of all our tenants within the ſame county who do not hold of us by knight's ſervice; and all and ſingular rights, juriſdictions, liberties, profits, commodities, advantages, emoluments, and hereditaments whatſoever, to the ſaid office of ſheriff or bailiwick belonging or appertaining: And all that whole eſtate whatſoever, which the ſaid Francis's anceſtors had held, in the counties of Weſtmorland and York. To hold by the ſervice of ſix knights fees and an half." With all the uſual non obſtante's, and particularly with a non obſtante of the act of parliament of the 23 Hen. 6. (which enacts, that no ſheriff ſhall abide in his office above one year; with an exception, nevertheleſs, of ſuch perſons as had then an inheritance in the office.)

The king alſo took much pains to get himſelf made arbitrator of theſe differences.

During the courſe of the contention, the ſaid Anne was married to her firſt huſband the lord Buckhurſt. This lord, together with her uncle and his ſon, agreed to accept of the king's arbitration; and the king took upon him to make an award, although the ſaid Anne, when ſhe was brought into his preſence, utterly refuſed to ſubmit to his arbitration. And his majeſty's award (which was in her diſfavour) was confirmed in the court of chancery. And judgment was given againſt her in the ſame year in the court at York for the northern parts. Her uncle obtained poſſeſſion of the eſtate, and he and his ſon after him kept the ſame till the death of the ſaid ſon as aforeſaid without

iſſue male. By whoſe death, the ſaid Anne became undeniably intitled, both as heir to her father, and as next alſo in the intail.

Her ſaid huſband died in the year 1624, in the 35th year of his age: who had iſſue by her (beſides three ſons who died very young) two daughters *Margaret* and *Iſabella*; the latter of whom was married to James Compton earl of Northampton, to whom ſhe had ſix children, who all died without iſſue, and moſt of them very young. So that after the death of *Iſabella* and her children, *Margaret* remained ſole heir of the Clifford family.

About ſix years after the death of her ſaid firſt huſband the lord Buckhurſt (who at the time of his death was become earl of Dorſet), the lady Anne married to her ſecond huſband Philip Herbert earl of Pembroke and Montgomery, and had to him only two ſons, who died ſoon after they were born.

About this time, whilſt earl Francis was in poſſeſſion of the eſtate, a diſpute happened about the cornage, commonly called nowtgelt, and the ſerjeant oats or bailiff corn. The tenants of the ſeveral manors denied to pay the ſame; and, ſuppoſing the ſame to be payable, they complained of divers grievances in the manner of collection. On the 23d of May 1634, (10 Car.) it was decreed by the lord keeper Coventry, That the ſaid duties did of right belong to the ſaid earl of Cumberland as lord of the fee and ſeigniory of Weſtmorland: but that, for prevention of abuſes, the oats ſhall be gathered yearly between St. Andrew's day and Candlemaſs: That upon 8 or 10 days warning to be given to every town by the lord's bailiff for the time being, the ſame ſhall be brought to one place certain in the town, by the ſaid bailiff likewiſe to be made known at the ſame time of warning, that the bailiff may know where to demand and expect the ſame: That ſuch town as ſhall not have their proportion ready, ſhall within one month after bring them home to the ſaid earl's officer, or otherwiſe the townſhip ſo failing to be ſubject to a diſtreſs for the ſame, or the earl to take ſuch other courſe for recovery thereof as he ſhall think fit: That the ſaid oats ſhall be good and marketable according to the ſeaſon of the year, not putting the worſt and refuſe upon the officer, but ſuch as ſhall be of the better ſort. And Sir John Lowther was deſired to examine and certify concerning the meaſure; who having examined two old pecks, one containing 8, and the other 10 ſtriked quarts, both of which had been paid upheaped (which was reckoned one third part more), he, to avoid uncertainty, recommended, and ſo it was decreed, that inſtead of the old peck upheaped, they ſhould pay 13 quarts ſtriked; and the nowtgeld to be paid in money as before *.

In

* The ſums and quantities on each townſhip or place agreed to by both parties were as follows: (Unto which are added here the pout-hens uſually demanded and received by the land ſerjeant at the ſame time, which were not mentioned in the aforeſaid diſpute.)

	cornage.			oats.		
	l	*s*	*d*	buſh.	pecks.	hens.
Appleby	0	2	0			
Aſby Cotesforth	0	9	2			11
—— Grange	1	6	8			
—— Little	0	2	10			9

Aſby

In the year 1649, died the lady Anne's ſecond huſband, the aforeſaid earl of Pembroke and Montgomery. She lived his widow about 27 years; all which

	cornage.			oats.		
	l	*s*	*d*	b.	p.	h.
Aſhy Winderwath	1	0	8			16
Aſkham	2	15	0	11	0	28
Bampton Patrick	0	17	2			
——— Cundale	0	18	3			25
Bolton	1	0	0			28
Bondgate						19
Brampton	1	0	0			13
Bretherdale	0	5	0			
Brough	0	9	0	27	0	9
Brougham	0	16	5			
Brown cloſe	0	4	0			
Burton	0	13	4			7
Clibburn Harvey	0	8	10			
——— Talebois	0	12	4			19
Cliſton	1	4	4			22
Colby	0	14	6			26
Crackenthorp	0	16	0			19
Croſby Gerard	0	8	6	55	0	
——— Ravenſworth	0	13	4	44	3	10
Croſtormount	0	1	0			
Drybeck	0	17	6			12
Duſton	1	5	6			
Gilts						9
Hackthorp	0	3	2			13
Harberwain						6
Hartley	0	12	4			
Helbeck	0	10	0			
Helton Bacon	1	13	8			12
——— Flechan	0	3	4	16	1	
Kaber	1	4	4	63	0	12
Kirkber	0	2	0			
Kelleth	0	4	0			
King's Meaburn						30
Knipe				8	0	
Knock	0	3	4			21
Kirkby Thore	4	3	0			
Lowther and Whale	2	0	0			
Marton	0	8	6			15
Mauls Meburn	1	0	2	70	1	36
Melcanthorp	0	5	0			15
Milburn	5	5	8			
Morland	0	4	2			8
Murton	0	15	2			11
Muſgrave, Great	0	11	4			
——— Little	0	11	2	16	0	
Nateby	0	13	7	19	0	
Newbiggin	1	6	0			
Newby						22
Oddendale						7
Ormſide, Great	0	17	0			16
——— Little	0	3	4	12	0	6
Orton	0	5	2			

Priſedale

which time ſhe employed in repairing her caſtles, which had gone to decay, or been ruinated in the civil wars; and in many other publick and private works of charity.

For a further account of this extraordinary perſon, it is thought proper to inſert here the ſubſtance of a very curious manuſcript written by one Mr. Sedgwick, intitled, "A ſummary or memorial of my own life, written by me, "to the honour and glory of God, and in a thankful commemoration of his "manifold goodneſs and mercies to me, in the whole courſe thereof."

"I was born at Capplethwaite in my father's houſe in Killington, the 10th "of January 1618. My father was then poſſeſſed of a competent eſtate in "land, of about 80 acres, lying between the old and new bridge, by the ſide "of the river Lune. He had alſo a conſiderable portion (in thoſe times) "with my mother, viz. 320*l*; ſhe being one of the daughters of Mr. Tho-"mas Benſon of Hugill in the barony of Kendal. But my father having "contracted large debts, particularly by ſuretiſhip (having paid 600*l* on "that account for his brother in law), ſold the eſtate of Capplethwaite for "about 1100*l*, to Mr. John Ward of Rigmaden, he buying it for a younger "ſon of his."

	cornage.			oats.			h.
	l	*s*	*d*	b.	p.		
Priſedale *	0	7	0				
Raiſbeck	0	5	8				
Rookby	0	3	1				
Roſgill	0	5	5	16	1		
Rounthwaite	0	1	8				
Sandford	0	19	4				17
Scattergate							9
Shap	0	5	5	61	1		
Sleagill	0	9	0				16
Smardale	0	13	6	15	0		
Sockbridge	0	1	11				
Soulby	0	14	4	63	0		
Sowerby (Brough)							28
Strickland, Great	0	3	6				
——— Little	0	6	8				13
Sunbiggin	0	4	0				
Tebay	0	9	4				
Thrimby	0	5	2				
Tirrel	0	1	2				
Warcop	1	3	6				19
Wateby	0	14	10	20	0		12
Wharton	0	6	0				
Wickerſlack	0	2	6				8
Winder	0	5	0				
Winton	1	0	9				50
Yanewith	0	6	0				
Total of cornage	52	1	6	oats	517	3	hens 684

* There is no place of this name. So that either the name of the place hath been ſince changed, or the name is miſtaken in the record.

"Capplethwaite

" Capplethwaite being ſold, my father then bought a ſmall eſtate a mile " above Sedbergh; from whence I and my ſecond brother went every day to " the ſchool there, being then of great note and eminence, under Mr. Gil- " bert Nelſon the worthy ſchoolmaſter; who out of his love and affection to " me, when my father began to decay in his eſtate, took me into his own " houſe, and gave me diet and lodging for a year and above, with other " ſcholars then boarders there.

" A great honour I had for the memory of ſo worthy a perſon; and though " God did not prolong his life till my coming into the north in 1652, yet I " had the means and opportunity, by the favour of my moſt honoured lady " the counteſs of Pembroke, to place his widow (then in a low condition) " mother of her ladyſhip's alms-houſe in Appleby, then newly built and en- " dowed by her; where ſhe had a convenient chamber, a garden, and 8*l* a " year, during her life; taking a daughter of hers at the ſame time into her " ſervice, from whence ſhe was after well married.

" When I had ſpent ſome years at Sedbergh ſchool, I was ſent to St. John's " college in Cambridge, ſubſizer to George Brathwaite of Warcop eſquire, " fellow commoner of that college. My tutor was Mr. Thomas Fothergill" [who was born at Brounber in Ravenſtondale, and was afterwards maſter of the ſaid college.]

Then he relates, how not being able to ſupport himſelf at the univerſity any longer, he removed to London, where his father had got into ſome ſmall buſineſs; and after recounting ſeveral adventures there, the narration proceeds as follows:

" My good father, ſtudying all ways and means to provide for me, God " put into his mind to make uſe of a letter which many years he had care- " fully kept, written from the lady Margaret counteſs of Cumberland, to my " grandfather Mr. Jeffrey Sedgwick, giving him many thanks for his upright " dealing as a juror at York, in the great cauſe there tried, between her " daughter then counteſs of Dorſet, and Francis earl of Cumberland her " uncle; with which letter ſhe alſo ſent my ſaid grandfather half a buck, and " a gold ring, with this motto, *Truth is crowned.*

" My father one morning taking that letter and me along with him, went " to the court at Whitehall, to wait upon the ſaid counteſs of Dorſet, then " counteſs of Pembroke, Dorſet, and Montgomery, by her marriage with " Philip earl of Pembroke and Montgomery, then lord chamberlain of his " majeſty's houſhold.

" As ſoon as that lady ſaw that letter of her dear mother, whom ſhe loved " with an entire affection, ſhe ſeemed very glad of a preſent opportunity ſhe " then had to do me good. So ſhe ſent forthwith for one of her lord's ſecre- " taries, whom ſhe called couſin, who was then deſtitute of a young clerk, " and immediately preferred me to him. And with him I continued five or " ſix years very happily and contentedly.

" In the year 1639, the troubles in Scotland began; and the king's ma- " jeſty raiſed a gallant army againſt them: And ſeveral of the great nobility " ſupplied the king with money. Among the reſt, the lord chamberlain ad-

" vanced twenty thouſand pounds. And in further teſtimony of his forward-
" neſs in the king's ſervice, he then raiſed a regiment of 600 horſe, being
" ſix troops compleat, for the guard of his majeſty's perſon; conſiſting of
" the king's ſervants, and the ſervants of the noblemen and gentlemen volun-
" teers, his lordſhip's friends. The commanders of theſe ſix troops, being
" perſons of great rank and quality, are fit to be remembered; *viz.* Philip
" earl of Pembroke and Montgomery, colonel; the earl of Caernarvon, his
" ſon-in-law; Philip lord Herbert, his eldeſt ſon; Sir Ralph Hopton, knight
" of the Bath, afterwards lord Hopton; Sir Bevil Greenvill, father of the
" now earl of Bath; Sir Foulke Hunkes, a Low Country colonel. Colonel
" Thomas Carew, deputy governor of the iſle of Wight, was commiſſary
" and muſter-maſter. And I was appointed by them to make their and their
" under-officers commiſſions, and to be the paymaſter of the regiment.

" In the beginning of the long unhappy parliament in 1640, my maſter
" the ſecretary was choſen burgeſs of Salisbury; who thereupon quitted his
" relation to his lordſhip, and he was pleaſed to accept of my ſervice in his
" place.

" I thought myſelf then in a very good condition. But by reaſon of a fall-
" ing out between my lord and maſter the lord chamberlain and the lord
" Mowbray and Maltravers, in the houſe of peers; they were both ſent pri-
" ſoners to the Tower of London, there to remain during the pleaſure of the
" two houſes of parliament, where they continued eight days. And during
" my maſter's impriſonment, the king took away his chamberlain's ſtaff. And
" ſhortly after, he retired into the country; where he kept a noble houſe,
" entertaining his friends, neighbours, and tenants, with great freedom.
" Then was I reduced only to the employment for his lordſhip's private af-
" fairs and eſtate, which notwithſtanding was conſiderable. And thus I lived
" with him till the time of his death, which was in January 1649.

" Though he had 18000*l* a year, yet through the vaſt charge in keeping
" hounds, hawks, and hunting horſes, his great hoſpitality, and other ways
" and means, he died 55000*l* in debt, which by the care of his honourable
" executors was all paid within four years time.

" In how noble and ſplendid a manner he lived, may in part appear from
" this; that his family in London was for the moſt part about 80, in the
" country double that number. And he was always attended by perſons of
" good note and quality.

" He was ſecond ſon of Henry Herbert earl of Pembroke and lord pre-
" ſident of Wales. His mother was lady Mary Sidney, ſiſter to the famous
" Sir Philip Sidney, author of the Arcadia.

" His father left him 10,000*l* in money, and 300*l* a year in quit rents.
" Upon his father's death, he applied himſelf to the court, where in two
" years time he had ſpent all his money. But by his pleaſing king James in
" his hunting exerciſes, he got ſoon into great favour with him, ſo as that
" king in a ſhort time heaped honours and riches upon him. He firſt
" knighted him; then he created him baron of Shurland; ſhortly after, earl
" of Montgomery, and lord chamberlain of his houſhold; giving him 2000*l*

" a year lands in the iſle of Sheppey; and Enfield-houſe, park, and chaſe, " worth as much more. And upon the death of his elder brother, he came " to the family inheritance of 14000*l* a year, beſides 6000*l* a year more that " belonged to his brother's widow, which he held during her life, ſhe being " a lunatic.

" This earl Philip could ſcarce either write or read; not that he wanted " good breeding and education, but he would never be brought to mind his " book, being addicted to all manner of ſports and recreations.

" Yet this very perſon, upon the death of archbiſhop Laud, was choſen by " the univerſity of Oxford for their chancellor. Strange, that an illiterate " man (as he was) ſhould be elected with ſo general applauſe, and ſo unani- " mous a conſent by them. And it was more ſtrange, that in a few years " after, when he was ſent by the parliament with ſome gentlemen, members " of the houſe of commons, as viſitor of that univerſity, they not only re- " fuſed to ſubmit thereunto, but received him with all the contempt and de- " riſion imaginable, and writ in red letters over the doors of the colleges and " ſchools, LORD HAVE MERCY UPON US, FOR WE ARE VISITED!—as is uſual " in places infected with the plague.

" He was very temperate in eating and drinking, but much given to wo- " men, which cauſed a ſeparation between him and his virtuous lady Anne " counteſs of Pembroke, ſeveral years before his death.

" His greateſt delight was in hunting; lying every dry ſummer in the New " Foreſt in Hampſhire (whereof he had the command under the king) ſix or " eight weeks together, hunting the ſtag daily, keeping 24 couple of hounds " always for that purpoſe.

" He was alſo an excellent bowler; keeping in his houſe one or two ſer- " vants the beſt in that quality about London: ſo as he would oftentimes " make bowling matches for 500*l*, which for the moſt part he won.

" Upon his death, his eldeſt ſon Philip, then earl of Pembroke, was de- " ſirous to have me continue with him in the ſame employment I had under " his father. So I ſtaid.

" At my firſt coming to him, he became, or at leaſt he counterfeited him- " ſelf, a quaker. But I rather believe he was not really one, being aſſured, " that for ſeveral years he ſent his majeſty that now is, in his exile, 2000*l* a " year. However, he was of ſuch a diſpoſition, that he never minded his " own buſineſs, but ſhifted it off from time to time. So that after I had " been with him about two years, I grew weary of any longer attendance " upon him.

" I believe this earl waſted his eſtate; for though he lived but in a private " manner, no way comparable to his father, yet he loſt great ſums of money " at bowls and dice. One time, before I left him, he loſt at Greenwich above " 300*l* in money, and his coach and ſix horſes.

" About that time, Sir Thomas Bendiſh being to go ambaſſador leiger to " the court of the grand Seignor at Conſtantinople, I had ſome honourable " good friends that recommended me to attend upon him as ſecretary to the " embaſſy. But at this juncture of time, the counteſs dowager of Pembroke,

" being then at her caſtle of Skipton, and hearing of my intention, diſſuaded " me by letters from ſo long a voyage, and invited me to come down to her, " to write all her poſt letters, make all her leaſes, and receive and pay all " her money, offering me a liberal allowance for the ſame. This courſe I " rather embraced, being near my friends, and the place of my nativity, " which all ſorts of people love; rather than run the hazard perhaps of end- " ing my life, among pagans and infidels in a foreign climate.

" So in Auguſt 1652, I came down to Skipton, where I began to do her " ladyſhip the beſt ſervice I could. Where after I had continued to my great " contentment about four years, her ladyſhip then propoſed to me her earneſt " deſire for me to go over ſea, into France, Flanders, and the Low Coun- " tries, with her grandſon Mr. John Tufton, ſince earl of Thanet deceaſed. " I was to take charge of him abroad ſome two years in thoſe parts, and " to order his exerciſes and expences, for which ſhe promiſed to give us good " allowance.

" I muſt confeſs I had no great inclination to it; but by reaſon of the ma- " nifold favours I had received from her, and the deſire I had to ſee foreign " countries, I could not in gratitude deny her ladyſhip the beſt ſervice I was " able to perform.

" According to her promiſe, ſhe was pleaſed to aſſign us 400 *l* a year for " our expences, for Mr. Tufton, his man, a footman, and myſelf. Beſides " 50*l* more for Mr. Tufton's cloaths yearly, and 20*l* for my own. All which " money ſhe took punctual order to be duly returned to us, by bills of ex- " change from London, to what place ſoever we were then at abroad."

Our author then proceeds to give an account of their travels. When they were at Utrecht, in the year 1656, he obſerves;

" At that time England being full of trouble, a great number of our Eng- " liſh nobility and gentry were reſident in that city. Some of the chief of " whom were Dr. Bramhall afterwards archbiſhop of Armagh and primate " of Ireland; Dr. Honeywood, now dean of Lincoln; Dr. Edward Martin, " maſter of Queen's college in Cambridge; Dr. Bargrave, whoſe father was " dean of Canterbury; William Howard lord Stafford, uncle to the duke of " Norfolk who was lately beheaded at London; lord Gerard of Lancaſhire; " lord Culpepper; lady Elizabeth Obrian, daughter of the earl of Inchiquin; " a daughter of the lord Berkeley; Sir Francis Coventry; Mr. Edward Ruſſel, " brother to the earl of Bedford; Mr. John Digby, ſecond ſon to the earl of " Briſtol; Mr. William Paulett, eldeſt ſon to Edward lord Paulett; Sir Ed- " ward Brett and his lady; Dr. Creighton; a ſon of Sir George Carterett; " Sir Ralph Verney baronet; Sir John Denham; Sir William Swan and his " lady; Sir John Ogle and his lady; Sir William Juxon baronet, nephew and " heir to the archbiſhop of Canterbury; Sir Francis Mackworth baronet; Sir " John Holland and colonel Wheeler, two ſecluded members of the Engliſh " parliament; and captain Penruddock, brother to colonel Penruddock who " was beheaded for his riſing in Wiltſhire for the king.

" Alſo the latter year of our ſojourning there, the duke of York came " thither *incognito*, with three or four ſervants, from the king his brother at " Colein,

" Colein, in ſome diſguſt (as it was ſaid); where after he had been private ſome " two days, the marquis of Ormond, the lord Craven, and John lord Berke- " ley came thither in queſt of him, and to attend him back to his brother at " Coleine. As ſoon as it was publickly known that he was in the city, all " the Engliſh went to wait upon him and to kiſs his hand; and amongſt the " reſt, myſelf had that honour. And that was the laſt time I ſaw his high- " neſs; whom God preſerve."

After their return, with reſpect to his own particular circumſtances, he proceeds as follows:

" Before my going over ſea, my lady gave me a rent charge of 20*l* a year " for 21 years, and 50*l* in gold. At our return alſo 100*l* in money, and " another rent charge of 20*l* a year for 21 years, both which I enjoyed till " the expiration of thoſe terms.

" After 18 years ſervice with this good lady, ſhe began to mind me of my- " ſelf and my future well-being in the world; often repeating to me a verſe " of Mr. Samuel Daniel the famous poet and hiſtoriographer, who had been " her inſtructer in her childhood and youth:

" To have ſome ſilly home I do deſire,
" Loth ſtill to warm me by another's fire.

" She further declared her noble intention to me, that when I met with ſome " ſmall habitation, ſhe would give me 200*l* towards the purchaſe, which ſhe " punctually performed.

" Within a while God directed me to Collinfield, a ſmall eſtate held under " queen Katherine, as part of her jointure, by a moderate rent and fine, " convenient for the church and market, freed from all aſſizes and ſeſſions; " where by God's bleſſing I enjoy a quiet and retired life to my contentment; " having oftentimes the ſociety of ſeveral of my worthy friends and neigh- " bours from the town of Kendal; having lived here above 14 years at the " writing hereof," (*viz.* in December 1682.)

As to the aforeſaid counteſs of Pembroke he ſays,—" Her father died " when ſhe was about ten years of age, leaving her under the tuition of her " good mother, but her chief breeding was under her aunt the counteſs of " Warwick, chief lady of the bed-chamber to queen Elizabeth: Her in- " ſtructer in her younger years being the learned Mr. Daniel the hiſtoriogra- " pher and poet.

" She was firſt married to Richard Sackville earl of Dorſet, to whom ſhe " had Thomas lord Buckhurſt, who died young; and two daughters, Mar- " garet married to John Tufton earl of Thanet, and Iſabella married to James " Compton earl of Northampton.

" After the earl of Dorſet's death, ſhe continued a widow five years; hav- " ing a large jointure of 3400*l* a year.

" In her firſt widowhood (as I have heard her ſay) ſhe reſolved, if God or- " dained a ſecond marriage for her, never to have one that had children, and " was a courtier, a curſer and ſwearer. And it was her fortune to light on " one with all theſe qualifications in the extreme.

" She was of an undaunted ſpirit, worthy the daughter of ſo gallant a father. " A high conteſt ſhe had with king James, who would have forced her " to accept of 10,000*l* from the earl of Cumberland, and in lieu thereof to " paſs away all her right and future claim to the inheritance of her father. " This ſhe abſolutely refuſed to do, nor could be induced to it by any threats " or perſuaſions whatſoever.

" Her ſecond huſband the earl of Pembroke dying in the year 1649, ſhe " came down into the north, where ſhe continued till her death in 1675, be- " ing 26 years, in great honour and proſperity; a year or two in Yorkſhire, " and a year or two in Weſtmorland, to the great benefit of both counties, " expending not only the rents and fines ſhe had in theſe counties, but alſo " for the moſt part the rents of her two great jointures in the ſouth in Suſſex " and Kent.

" At her coming down, ſhe found five of her caſtles and the tower of Bar- " den demoliſhed and thrown down in the late unhappy wars: Skipton-caſtle, " that had been a ſtately building, ſcarce affording lodging for herſelf and " her family; ſo that ſhe was reſolved to build ſome lodging rooms in it, " notwithſtanding the malignancy of the times. Some gentlemen of that " neighbourhood, her friends and well-wiſhers, diſſuaded her from it; al- " ledging (and probably enough) that as faſt as ſhe built up Oliver Crom- " well would order it to be pulled down. She replied, If they do not take " my eſtate from me, as long as I have money or credit, I will repair my " houſes, though I were ſure to have them thrown down the next day. This " being reported to Oliver,—Nay, ſays he, let her build what ſhe will, ſhe " ſhall have no hindrance from me.

" Thereupon ſhe began with Skipton-caſtle, and in a year's time made it a " very convenient houſe, though not ſo ſtately and large as it was before it " was demoliſhed. The ſteeple alſo of Skipton church, having been for the " moſt part beaten down, when Sir John Mallory kept the caſtle for the king, " ſhe cauſed it to be new built as good as it was before.

" The tower of Barden alſo ſhe re-edified; and repaired the chapel there, " and furniſhed it with ſeats for her neighbours and tenants of that dale, they " being far from the pariſh church."

Our author next ſets forth, how ſhe repaired her caſtles of Appleby, Brough- am, Brough, and Pendragon; her ſeveral charities at Mallerſtang, Appleby, and Brougham; her repairing the churches of Appleby and Bongate, the church and chapel of Brougham, and the chapel of Mallerſtang: All which particulars we have noted in their proper places. Mr. Sedgwick then proceeds thus:

" All theſe buildings and repairs could not be computed at leſs than 40,000*l*, " as may be made appear by the yearly books of account.

" She was at a vaſt charge in law-ſuits to vindicate her rights. Her uncle " Francis earl of Cumberland, and his ſon the lord Clifford, being but te- " nants for life, raiſed great ſums of money from the tenants in Craven to " make them a fine certain, which was not in their power to do. The fine

" certain

" certain was 7*d* fine. She demanded only 8*d* fine, for making them arbi-
" trary as before, which the ſaid tenants refuſed to pay. Thereupon the long
" law-ſuit began between them, which laſted ſeveral years both in common
" law and chancery, and coſt 4000*l* on each ſide; and in the concluſion her
" ladyſhip recovered againſt them. During that ſuit, Oliver Cromwell, then
" protector of the commonwealth, would needs be a ſtickler and interpoſe in
" behalf of the tenants; and to that purpoſe iſſued out a commiſſion to ſome
" gentlemen of the barony of Kendal (whom I liſt not to name, moſt of
" them being now in their graves) to treat with her about compoſing that
" difference at Appleby-caſtle. When they came there, ſhe uſed them with
" all kindneſs and courteſy, but told them plainly ſhe would never refer any
" of her concerns in that kind to the protector or any perſon living, but leave
" it wholly to the diſcretion of the law; adding further, that ſhe that had re-
" fuſed to ſubmit to king James on the like account, would never do it to
" the protector, whatever hazard or danger ſhe incurred thereby.

" Another inſtance of the care ſhe took to preſerve her rights, was as fol-
" loweth: There had been anciently paid for 400 years continuance, to the
" caſtle of Skipton, 80 boon hens yearly, and the like to the caſtle of
" Appleby, by the tenants, beſides their rents. One Murgatroyd, a rich
" clothier of Hallifax, having bought a tenement near Skipton, was to pay
" one hen; which being demanded of him, he abſolutely refuſed the payment
" of it. Her ladyſhip was reſolved not to loſe that hen, being her ancient
" right, and the loſs of all the reſt depending upon that. Being forced to bring
" an action againſt him at the aſſizes at York, ſhe recovered the hen, though
" it coſt her 200*l*, and Mr. Murgatroyd as much. And I believe Sir John
" Otway and Sir Thomas Stringer got in fees in that cauſe 40*l* each of
" them.

" A great eſtate God had bleſſed her with, and given her withal a noble
" heart and an open and liberal hand, to do good generally to all.

" A great eſteem ſhe had for grave divines and learned men, as may ap-
" pear by theſe three following examples. Dr. Henry King, late biſhop of
" Chicheſter, had been for ſome years chaplain to her firſt huſband Richard
" earl of Dorſet: Upon whoſe death, he not having any conſiderable prefer-
" ment, this lady ſettled a rent charge upon him of 40*l* a year, out of her
" jointure lands in Suſſex. The like to Dr. Brian Duppa, who had alſo been
" her firſt lord's domeſtic chaplain, who died biſhop of Wincheſter. The
" like annuity or rent charge ſhe alſo gave to Dr. George Morley, chaplain to
" her ſecond huſband, who was alſo her godſon, and is now biſhop of Win-
" cheſter. Many years ſhe duly paid theſe rent charges, till in the late cala-
" mitous times having all taken from them, theſe reverend perſons were forced
" to go over ſea, and hard put to their ſhifts to live, ſo as they made their
" application to her ladyſhip to ſend them a ſum of money in lieu of theſe
" rent charges, for their ſubſiſtence abroad; which ſhe willingly conſented
" to, and paid 1000*l* upon that account.

" One ſtrange and unexampled piece of charity ſhe did, which few ladies
" would have done. Her huſband the earl of Dorſet had two baſtard daugh-
" ters;

" ters; whereof one died in her minority, the other ſhe married to one Mr. " Belgrave a divine, beſtowed a portion on her, and preferred him to a living " in her gift in Suſſex, worth 140*l* a year.

" Colonel Charles Fairfax, uncle to the late general Fairfax, was her great " friend upon all occaſions. He had many children, and but a ſmall eſtate. " When he ſent his ſon Henry to Oxford, ſhe allowed him 40*l* a year to- " wards his maintenance in Queen's college, till he came to be a fellow, and " he is now a worthy divine and highly preferred *.

" An extraordinary care ſhe took, and was at a very great charge in the " ſearching of ancient records in the tower of London, the Rolls, and other " places, that any way concerned her anceſtors; wherein ſhe employed Mr. " Roger Dodſworth, grandfather to Mr. Dodſworth that now liveth at Croſby " Ravenſworth. Theſe records, containing the lives and deaths, marriages, " burials, with other memorable things of all her progenitors for 400 years, " ſhe cauſed to be fairly ingroſſed in three great large books, one of the Ve- " teriponts, one of the Cliffords, and one of the earls of Cumberland. And " in the margin is expreſſed where the originals are to be found.

" She was a woman of excellent parts both natural and acquired. Of an " happy memory, and a ſolid and ſound judgment. She was well verſed in " the holy ſcripture, which ſhe was able to quote upon any ſudden occaſion. " The pſalms of David appointed for the day ſhe conſtantly read, and had " three or four chapters read to her by ſome of her women daily. She and " her family received the ſacrament at leaſt four times in the year; and if ſhe " removed to ſome other of her houſes, then alſo with a ſermon. She had " in the worſt of times the liturgy of the church of England duly in her " own private chapel, where ſhe never failed to be preſent at it, though ſhe " was threatned with ſequeſtration: Yet by means of her honourable friends " and relations in both houſes of parliament ſhe always eſcaped it.

" In what caſtle ſoever ſhe then lived, every Monday morning ſhe cauſed " ten ſhillings to be diſtributed among 20 poor houſholders of that place; " beſides the daily alms which ſhe gave at her gate to all that came.

" All the groceries, ſpices, ſtuffs, and the like, which ſhe uſed in her houſe, " all wines, malt, hay, corn, and ſtraw for her ſtables, ſhe bought of neigh- " bours and tenants near the place of her then reſidence, paying always ready " money when they came for it. So as ſhe was a great help and ſupport to " thoſe parts. Seldom had ſhe any thing from London, being deſirous the " country might receive benefit by her.

" She could give a good account of moſt hiſtories that are extant in the " Engliſh tongue. Indeed ſhe was an indefatigable reader, and had a library " ſtored with very choice books, which ſhe read over, not curſorily, but with " judgment and obſervation.

* Here ſeems to have been ſome miſtake. There was never any of this name fellow of that college. One *Anthony Fairfax* was entred in that college in 1627, but he never came to be fellow. One of the fellows of Magdalen college in the ſaid univerſity, in king James the ſecond's time, was Dr. *Henry Fairfax*; who was probably the perſon here ſpoken of by Mr. Sedgwick.

" Exceeding

" Exceeding temperate was ſhe in her diet, never drank wine when ſhe was " paſt 80 years of age, excepting ſometimes a little wine glaſs of ſack mixed " with water. Nor did ſhe ever take phyſick in her life, as I have heard her " oftentimes ſay.

" She wore, in her latter days, always very plain and mean apparel, indeed " far too mean for her quality. A petticoat and waiſtcoat of black ſearge was " her conſtant wear, nor could any perſuade her to wear others.

" She kept always two gentlewomen, who wore better cloaths by far than " their lady. And four landry maids, ſome of her tenants daughters, to whom " ſhe gave good wages; and to any of them that married with her conſent, ſhe " gave 50*l* towards a portion, beſides what their parents gave them; and moſt " of them this day live happily and contentedly.

" Her books of account were moſt exactly kept. Beſides which, ſhe kept " in a large folio paper book a diary or journal, wherein ſhe cauſed to be en- " tered the occurrences of the day, and all ſtrangers that came to her houſe, " whether upon viſits or buſineſs.

" On the 23d of March 1675, this moſt worthy lady yielded to nature, in a " good old age, and left a bleſſed and happy memory behind her."——So far Mr. Sedgwick, who dates his manuſcript Dec. 10, 1682 *.

* On a pillar in Kendal church, in the pulpit ile, next under the chancel, is the following monumental inſcription:

M. S.
Viri vere generoſi
Plurimiſque nominibus deſideratiſſimi,
Georgii Sedgwick.
Qui,
omnibus cultioris humanitatis dotibus
abunde ornatus,
Honorabilli^mo. D. D. Philippo
Comiti Penbrockienſi,
Celeberrimæ deinde illius viduæ
Amanuenſis ſibi locum meruit:
Cujus familiâ,
(qua nemo famulus non floruit)
Annis pariter atque opibus auctus,
(monente munificentiſſima dominâ,
partis feliciter fruendis ſedem
ſenectuti ſuæ comparare)
Fundum, huic municipio vicinum, emit,
dictum Collinfeild;
Ubi plus tribus luſtris,
Singulari in pauperes charitate,
Amicitiâ in proximos,
Erga omnes benevolentiâ,
Notis omnibus charus et amabilis vixit,
nec paucioribus flebilis obiit,
decimo die Junii,
Anno { Salutis humanæ } 1685
{ Ætatis ſuæ } 67.

The

The Cliffords *arms* are; Checky Or and Azure, a feſs Gules.—The *creſt:* Out of a ducal coronet Or, a wyvern riſing Gules.—*Supporters:* Two wyverns Gules, with wings expanded Azure.

We proceed next to the iſſue and poſterity of the ſaid counteſs. After the death of her younger daughter *Iſabella* counteſs of *Northampton* as aforeſaid, without ſurviving iſſue; her elder daughter MARGARET remained ſole heir of the Clifford family. Which *Margaret* was married to JOHN lord TUFTON, afterwards earl of THANET; and brought with her into that family the inheritance of the Cliffords her anceſtors.

Tufton is ſaid to be a corruption of Toketon †; for by that name the family was called till Edward the third's time.

The firſt that we meet with was *Elphege de Toketon*, lord of the manor of *Toketon* in Rainham in the county of Kent, and of another manor of the ſame name in the pariſh of Northiam in the county of Suſſex, in the reign of king John. Who had a ſon,

Oſmere de Toketon; who had a ſon,

William de Toketon; whoſe ſon and heir was,

John de Toketon; who had a ſon,

Roger de Toketon; who had another

Roger; who in the 36 Ed. 1. married Julian ſiſter of Sir John de Champaigne knight. And here the pedigree ſeems to be ſomewhat confuſed, occaſioned by a multiplicity of collaterals, the family being then very numerous. The next in deſcent ſeems to have been,

John de Toketon; and next to him,

Simon de Toketon, or *Tufton*; for now the name began to be diverſified. His ſon and heir was,

William Tufton, who lived in the reign of king Henry the fourth. He had a ſon,

William, who was living in the reign of Edward the fourth. His ſon and heir was,

Nicholas Tufton, who died in the 30 Hen. 8. leaving a ſon and heir,

John Tufton, then ſeated at Hothfield in Kent: who in the 4 Eliz. was ſheriff of that county, and died about five years after. His ſon and heir was

John Tufton; who was ſheriff of the ſame county in the 18 Eliz. and was knighted by king James in the firſt year of his reign, and made baronet by the ſame king at the firſt erection of that dignity. His ſon and heir was,

Sir *Nicholas Tufton* baronet; who in the 2d year of king Charles the firſt was made lord Tufton of Tufton in Suſſex, and two years after was created earl of Thanet. He was father of *John*, who married *Margaret* daughter of the lady *Anne Clifford* as aforeſaid; with whom begins the firſt generation of the *Tuftons* in Weſtmorland.

† Collins's Peerage.

1ſt Generation

1ſt Generation of the Tuftons in Weſtmorland.

JOHN, ſecond earl of Thanet, was eldeſt ſurviving ſon and heir of earl *Nicholas*, by his wife the lady Frances, daughter of Thomas earl of Exeter. Which *John*, in the year 1629, married the aforeſaid *Margaret* daughter of *Richard Sackville* earl of Dorſet by his wife the lady Anne Clifford. By whom he had ſix ſons, *Nicholas*, *John*, *Richard*, *Thomas*, *Sackville*, and *George*. Of whom the firſt four, and a ſon of the fifth, became ſucceſſively earls of Thanet. *George*, the ſixth, being with his brother *Sackville* at the prince elector palatine's court in the year 1667, when the old duke of Loraine invaded that prince's country, they offered their ſervices to attend that prince in his war, when this *George Tufton* engaged in reſcuing the ſaid prince out of an ambuſcade, with about 20 other gentlemen, ſeveral of whom were killed, and the ſaid *George* received a wound, of which he languiſhed and died three years after.

The ſaid earl John by his ſaid wife had alſo ſix daughters: *Anne*, who died young; *Margaret*, married to George lord Coventry; *Frances*, married to Henry Drax of Boſton in the county of Lincoln eſquire; *Cecilie*, married to Chriſtopher lord Hatton; *Mary*, married to William ſon and heir of Sir William Walter of Sareſden in the county of Oxford baronet; and *Anne*, married to Samuel Grimſton ſon and heir of Sir Harbottle Grimſton baronet, maſter of the rolls.

The ſaid earl John had alſo ſeveral brothers and ſiſters; of whom, *Chriſtian* the youngeſt ſiſter was married to *William Milward* of Chilcote in the county of Derby eſquire, ſon and heir of Sir *Thomas Milward* of Eaton in the ſame county knight.

This earl John died in the year 1664; and his counteſs ſurvived him about 12 years.

In the year 1676 (being the year in which ſhe died) ſhe deviſed the Clifford eſtate to *John* her ſecond ſon in tail, with remainders to *Richard*, *Thomas*, and *Sackville*, her other younger ſons.

2d Generation.

In purſuance of his mother's will as aforeſaid, JOHN the ſecond ſon entred upon and enjoyed the premiſſes. And in three years after, his elder brother earl *Nicholas*, who married Elizabeth ſecond daughter of Richard Boyle earl of Burlington, died without iſſue; whereby John ſucceeded alſo to the paternal title and inheritance, becoming thereby the fourth earl of Thanet This earl *John* died within leſs than a year after his brother Nicholas, and unmarried; whereby the honour and eſtate devolved upon the third brother *Richard*.

RICHARD TUFTON, fifth earl of Thanet, died alſo unmarried, three years after his brother *John*, *viz.* in 1683; and was ſucceeded by the fourth brother *Thomas*.

THOMAS TUFTON, ſixth earl of Thanet, married Catherine daughter and coheir of Henry Cavendiſh duke of Newcaſtle. Which Thomas, as heir to his grandmother Anne, baroneſs of Clifford, Weſtmorland, and Veſey, being intitled to thoſe baronies, brought his claim into the houſe of lords. Whereupon their lordſhips came to this reſolution, Dec. 12, 1691, That Thomas earl of Thanet is the ſole lineal and right heir to Robert de Clifford, firſt ſummoned to parliament as *lord de Clifford*, by writ dated Dec. 29, in the 28 Ed. 1. And that the ſaid title and barony of lord Clifford doth of right belong to the ſaid earl of Thanet and his heirs.

By his ſaid wife he had three ſons, who all died in their infancy. And five daughters; (1) *Catherine*, married to Edward viſcount Sondes, ſon and heir of Lewis earl of Rockingham. (2) *Anne*, married to James earl of Saliſbury. (3) *Margaret*, married to Thomas Cooke eſquire, afterwards lord Lovel, viſcount Cooke, and earl of Leiceſter; which Margaret, in the year 1734, was declared baroneſs Clifford, as heir to the lady Anne Clifford. (4) *Mary*, married to Anthony earl of Harold, only ſurviving ſon of Henry duke of Kent; afterwards, to John earl Gower, her ſecond huſband. (5) *Iſabella.*

The ſaid earl *Thomas* levied a fine, and thereupon ſettled the eſtate on the next *heir male* of the family, viz. *Sackville* eldeſt ſurviving ſon of his brother *Sackville* fifth ſon of *John* ſecond earl of Thanet aforeſaid; and died in the year 1729.

3d Generation.

SACKVILLE TUFTON, ſeventh earl of Thanet, was ſon and heir of *Sackville* aforeſaid, fifth ſon of earl John, by his wife *Elizabeth* daughter and ſole heir of *Ralph Wilbraham* of Newbottle in the county of Northampton eſquire, ſecond ſon of Sir *Thomas Wilbraham* of Woodhey in the county of Cheſter baronet. The ſaid Sackville the father had five other ſons, and ſix daughters; viz. *John*, who died an infant. *Wilbraham.* Another *John*, who died at the age of 34. *Richard*, who died young. *Thomas. Elizabeth*, who died an infant. *Catherine*, who died unmarried. *Elizabeth. Chriſtian. Margaret. Mary.*

This earl *Sackville* (the ſon) married the lady *Mary Savile*, younger daughter and coheir of *William* marquis of *Hallifax:* And by her had iſſue *John*, who died before his father, and unmarried; and *Sackville* the preſent earl: And two daughters, *Mary*, married to Sir William Duncan baronet, phyſician to his majeſty king George the third; and *Charlotte.*

This ſame earl Sackville, differing with his tenants in Weſtmorland about their fines after the death of earl Thomas, after a long conteſt in chancery, a trial at bar in 1739 was directed, to be by a ſpecial jury of the county of Middleſex *, on the two following iſſues, *viz.*

* In which cauſe eleven witneſſes were produced by the tenants from Weſtmorland, whoſe ages together amounted to a thouſand years.

1. Whether

1. Whether by the cuſtom of the reſpective manors of Burgham, Appleby, Burgh under Stanemore, Pendragon, Kirkby Stephen, Sowerby nigh Burgh, Winton, King's Meburn, Langton, Mallerſtang, Knock, Sowerby, Eaſt Stanemore, South Stanemore, Scattergate and Burrels, Woodſide, Moorhouſes, Bondgate, Burgh Over and Burgh Nether, on the *death of the laſt general admitting lord*, a reaſonable fine, to be aſſeſſed at the will of the lord, not exceeding two years value, be payable; or any other, and what fine?

2. Whether by cuſtom of the ſaid manors, on the *death or alienation of the tenant*, a reaſonable fine, to be aſſeſſed at the will of the lord, not exceeding two years value, be payable; or any other, and what fine?

The verdict of the jury was, that ſuch fines according to the yearly value, were not payable: But that,

1. By cuſtom of the ſaid manors and every of them, *on the death of the laſt general admitting lord*, a fine to be aſſeſſed at the will of the lord, not exceeding ten pence for every penny old rent, commonly called a ten-penny fine, is payable. And,

2. That by cuſtom of the ſaid manors and every of them, *on the death or alienation of the tenant*, a reaſonable fine, to be aſſeſſed at the will of the lord, not exceeding ſeventeen pence for every penny old rent, commonly called a ſeventeen-penny fine, is payable.

And the ſame was decreed accordingly by the lord chancellor Hardwicke.

And by conſent, as to other matters in diſpute, it was referred to Robert Fenwick and Joſeph Taylor eſquires, and ſuch other third perſon as they ſhould appoint, to ſettle the ſame; who made an award, and the ſame was inſerted accordingly in the decree, *viz.*

(1) That the tenants hold their tenements according to the ancient cuſtom of tenant-right, and as cuſtomary eſtates of inheritance, deſcendible from anceſtor to heir, under certain ancient yearly rents, and ſuch general and dropping fines as are ſettled and aſcertained by the order in this cauſe.

(2) By the cuſtom of the ſaid manors, upon all admittances where the ancient rent exceeds 1 *s*, 3 *s* and no more is payable to the ſteward for every ſingle admittance; and where one tenant hath ſeveral admittances at the ſame court, and the ancient rent of any one of them exceeds 1 *s*, then 3 *s* is payable for the firſt admittance, and 6 *d* for every other; where the ancient rent doth not exceed 1 *s*, then 1 *s* only is payable for every ſingle admittance; and where one tenant hath ſeveral admittances at the ſame court, and the ancient rent in one of them exceeds 1 *s*, in ſuch caſe 1 *s* only is payable for the firſt, and 6 *d* for every other.

(3) That the tenants have a right to open quarries within their own eſtates or in the waſtes of the manor, and get ſtones for building or repairing their houſes or fences or other neceſſary uſes upon their eſtates, without licence of the lord or his ſteward; but may not open quarries, or get ſtone out of quarries in leaſe or opened by the lord, without ſuch licence.

(4) That the tenants have right to cut up, take, and carry away turf, peat, heath, furze, and bracken or fern, upon the waſtes, for fuel and thatching, without ſuch licence.

(5) That the tenants have right to plow and make ſuch huſbandry of their lands as they think fit, without ſuch licence.

(6) That the tenants have a right to leaſe or demiſe their tenements for any term not exceeding three years.

(7) That all abſolute ſales or alienations ought to be by deed poll or indented; and the ſame to be preſented at the next court, in order for the purchaſer to be admitted on payment of a dropping fine. Femes covert intereſted in lands alienated, to be examined privately by the ſteward.

(8) That the tenants may mortgage for any term not exceeding three years, without licence or fine; but when the mortgagee is admitted, he ſhall pay a dropping fine.

(9) That the tenants may, without licence or fine, exchange lands lying intermixed in common fields, for lands of equal value in the ſame manor; ſo it be with the approbation of the lord or his ſteward.

(10) That the tenants may cut down and ſell underwood growing on their reſpective tenements; and may cut down and uſe any other wood or timber for repair of their tenements, hedge boot, plough boot, cart boot, eſtovers, and other neceſſary uſes, provided the ſame be ſet out by the lord or his ſteward (the ſame to be without fee) in 20 days after requeſt in writing atteſted by one witneſs, and if not ſet out within that time, the tenants may cut down and uſe the ſame.

(11) That the lord may ſell timber, provided he leave ſufficient for repairs, neceſſary boots, and eſtovers.

4th Generation.

SACKVILLE TUFTON, eighth earl of Thanet, ſon and heir of *Sackville* by his wife the lady Mary Savile, married Mary daughter of lord John Sackville ſecond ſon of Lionel duke of Dorſet, and hath iſſue Sackville lord Tufton, and another ſon, and alſo a daughter which is the eldeſt child.

The arms of the earls of Thanet are; Sable, an eagle diſplayed Ermine, within a bordure Argent. The Creſt: on a wreath, a ſea lion ſejant. Supporters: two eagles, their wings expanded Ermine.

OF APPLEBY IN GENERAL.

NO certain derivation of this word hath hitherto been agreed upon. Without having recourſe to the Roman name *Aballaba* (which Mr. Horſley doubts whether it was the Roman name of this place, but rather thinks this was the Roman *Galacum)* we chuſe to adopt a more obvious derivation, by referring it the fruit of that name. And if this place was indeed the Roman *Aballaba*, yet the Romans did not ordinarily impoſe new names, but only modified the names they

they found at the ſeveral places according to their own idiom. So that we may ſuppoſe ſomething of the like pronunciation had been here before the Roman times; and perhaps we may aſcend ſo high as the Hebrew tongue for its origin. *Appel*, *abel*, *afel*, is common to the Saxon, Belgic, Daniſh, and other northern languages; and, by univerſal conſent, hath been appropriated to particularize the forbidden fruit. *Abel*, or as the Hebrews ſoften it *avel*, (by a tranſmutation frequent in all languages of the letters *b*, *f*, and *v*) ſignifies *ſorrow*, *mourning*, and *woe*. And it is exactly agreeable to the figurativeneſs of that language, to transfer the word to this fruit upon the aforeſaid conſideration. Our Engliſh-Saxon word *evil* ſeems to ſpring from the ſame ſource; and a *doer* of *evil* for the ſame reaſon is contracted into *devil*. *Malum*, to ſignify an apple, may poſſibly have been received into the Latin tongue from the like cauſe.—The name is not peculiar to this place. There is an Appleby in Derbyſhire, another in Lincolnſhire, an Appleby Magna and Parva in Leiceſterſhire, and others in other places. So there is *Applethwaite*, *Applegarth*, *Appleton*, and the like, of the ſame derivation.

This town was anciently of large extent. *Burrels*, or *Burrals*, which is now near a mile diſtant from the town, means nothing but the *borough walls*, or walls of the *burgh* or town. And there have been ruins of buildings plowed or dug up at two or three miles diſtance from the town as it now ſtands. The Romans undoubtedly had a ſtation here. But the inſcriptions which are to be found about the ſchool-houſe are not Roman, but copied from Roman inſcriptions in other places by Mr. Bainbridge the ſchoolmaſter, and ſome of them altered according to his own fancy.

This place continued to be conſiderable long after the Roman times, even until the reign of king Henry the ſecond. But in the 22d year of that king's reign, it was ſurprized by William king of Scots, and utterly deſtroyed. But he did not keep it long, himſelf being taken priſoner ſoon after at Alnwick. King Henry fined Goſpatric ſon of Orme (as was obſerved before) in the ſum of 500 marks for delivering it up, and the other officers in other ſums according to their rank.

And afterwards, in the 12 Ric. 2. it was ſo totally burned down and waſted by the Scots, that it was not able ſo much as to pay the fee farm rent to the crown, and never afterwards in any conſiderable degree recovered from that fatal overthrow. Inſomuch that by three ſeveral inquiſitions, one in the 7th, another in the 25 Hen. 8. and the third in the 2 and 3 Ph. and Mary, concerning the arrears of 20 marks ancient rent due to the crown, the jurors find, that the town was very much diminiſhed and ruinated, ſo that they were wholly incapacitated to pay the ſaid yearly rent; that on St. Stephen's day, in the year 1388, the ſaid town was burned by the Scots, and from that time had been repairing, but that the greateſt part ſtill lay in ruins: Whereupon it was ordered, that inſtead of the aforeſaid ſum of 20 marks, they ſhould pay for the future no more than two marks or 26*s* 8*d* yearly. And they obtained quietus's in the exchequer accordingly.

What

What ſtill remains of it is an handſome ſmall town, containing between 70 and 80 families, conſiſting principally of one broad ſtreet, terminated on the north by the church, and riſing by an eaſy aſcent to the caſtle on the ſouth; with two handſome croſſes or obeliſks, one at each end. On the upper croſs is this inſcription,

Retain your loyalty.
Preſerve your rights.

The ſhambles and town hall in the middle of this ſtreet greatly incommode it. If theſe were taken away, and removed to more proper places; the ſtreet, from its natural ſituation and openneſs, would be very grand and elegant.

At the upper end of this ſtreet as aforeſaid ſtands the CASTLE aloft; having the river Eden underneath it many fathoms perpendicular on the eaſt, and on the other ſides encompaſſed with an high wall, and a deep ditch.

There is no doubt but there was a caſtle here in the Roman times. But the greateſt part of the building hath been often defaced and broken down, in the wars between England and Scotland. And particularly much hurt was done thereto by the Scots in the ſeveral reigns of Richard the ſecond and Henry the fourth. After which, in Henry the ſixth's time, Thomas lord Clifford built the greateſt part of it as now ſtands, being after the faſhion of thoſe times.

In the weſtern part of this caſtle is placed *Cæſar*'s *tower*, which ſtands apart from the reſt of the caſtle; and probably received its name from ſome of the later emperors.

The aforeſaid lady Anne Clifford repaired the ſame, and built fair new ſtables there; and the whole continues in very good condition to this day *.

Appleby hath been a TOWN CORPORATE of very ancient time. But their charter of incorporation is loſt; and they are now only a town corporate by preſcription. They have had indeed many charters and renewals thereof, which are yet extant; but theſe are only grants of privileges and immunities, and not of incorporation.

King Henry the ſecond, upon his reſtoring the town, after its deſtruction by the Scots as aforeſaid, granted to them by his charter the ſame privileges which he had granted to the city of York juſt before †. For which charter they paid into the exchequer the ſum of 40 marks.

What

* Dr. Todd ſays, In the year 1641, the lady Anne Clifford fortified this caſtle for the king, and putting as great a number of ſoldiers in it as it could contain, gave the government of it to Sir Philip Muſgrave, who held it out till after the battle of Marſton Moor, whereby all the northern part of England was loſt. In the year 1648, Mr. Whitlock (p. 343.) gives an account, that this caſtle was garriſoned for the king; and that on the 16th of October in that year it ſurrendered to the parliament forces, and that therein were taken 5 knights, 25 colonels, 9 lieutenant colonels, 6 majors, 46 captains, 17 lieutenants, 10 cornets, 3 enſigns, and 1200 horſe.

† Henricus Dei gratia, rex Angliæ, dux Normanniæ et Aquitaniæ, et comes Andegaviæ; archiepiſcopis, epiſcopis, abbatibus, comitibus, baronibus, juſticiariis, vicecomitibus, et omnibus miniſtris

What thoſe privileges were, appears from the York charter; and are the very ſame which king John afterwards granted ſpecially to the town of Appleby, *viz.* " a freedom from toll, ſtallage, pontage, and laſtage throughout " England, except in the city of London." He granted to them alſo the borough or town of Appleby, rendring to the ſheriff the rent due for the ſame, one moiety at the feaſt of St. Michael, and the other at Eaſter *.

There are many *Inſpeximus's* and confirmations of the ſaid grants by the ſucceeding princes.

In the 14 Ed. 1. the king, reciting an *Inſpeximus* in the 16 Hen. 3. reciting the charter of John, confirms the ſame, with this addition, " that although " they had been wont to pay their fee farm rent by the hands of the ſheriff, " they might, if they thought fit, pay the ſame into the exchequer by the " hands of their own bailiffs."

In the 5 Ed. 5. there was another confirmation; with this clauſe, " that " whereas king Edward the ſecond, in the 5th year of his reign, had taken " into his hands the town of Appleby for 60*l* in arrear of their fee farm rent; " the now king Edward the third, in conſideration of the fine by them paid " to him on that account, reſtores the town to them, to hold by the ſaid farm " as aforeſaid."

In the 3 Cha. 1. there is another confirmation; reciting a charter of James the firſt, another of Elizabeth, another of Henry the eighth, which recited the charters of Edward the firſt, Henry the third, and king John; and confirming the ſame.

niſtris et fidelibus ſuis, Francigenis et Angligenis totius Angliæ, ſalutem. Sciatis me conceſſiſſe, et præſenti charta confirmaſſe Burgenſibus meis de Appelbia omnes libertates et liberas conſuetudines habendas, quas Burgenſes mei de Eboraco habent. Quare volo et firmiter præcipio, quod prædicti burgenſes mei de Appelbia habeant bene et in pace, libere et quiete, plenarie et integre et honorifice, omnes eaſdem libertates et liberas conſuetudines, quas Burgenſes mei de Eboraco habent, ſicut eas illis conceſſi et præſenti charta confirmavi. Et prohibeo ne quis eos inde diſturbet. Teſtibus hiis; Hugone Murdach', Randulpho de Glanvill', Willielmo de Stutevill, Roberto de Stutevill, Michaele Belet', Willielmo de Bending, et aliis. Apud Richemund'.

* Johannes Dei gratia, rex Angliæ, dominus Hyberniæ, dux Normanniæ et Aquitaniæ, et comes Andegaviæ; archiepiſcopis epiſcopis, abbatibus, comitibus, baronibus, juſticiariis, vicecomitibus, et omnibus miniſtris et fidelibus ſuis, ſalutem. Sciatis nos conceſſiſſe, et præſenti charta confirmaſſe, burgenſibus noſtris de Appelbi, omnes libertates et liberas conſuetudines habendas, quas burgenſes noſtri de Eboraco habent. Quare volumus et firmiter præcipimus, quod prædicti burgenſes noſtri de Appelby habeant bene et in pace, libere et quiete, plenarie et integre et honorifice, omnes libertates et liberas conſuetudines, quas burgenſes noſtri de Eboraco habent; ſicut rex Henricus pater noſter eas illis conceſſit, et charta ſua rationabiliter confirmavit: et prohibemus ne quis eos inde diſturbet. Præterea dedimus et conceſſimus eiſdem burgenſibus noſtris de Appelbi, *libertates et quietantias de theloniu, et ſtallagio, et pontagio, et leſtagio*, per totam terram noſtram Angliæ, quantum ad nos pertinet, præterquam in civitate Londinenſi. Conceſſimus et eis burgum de Appelbi tenendum in manu ſua, reddendo inde firmam quam debent vicecomiti noſtro de Weſtmerland apud Appelbi, ſcilicet medietatem ad feſtum ſancti Michaelis, et alteram medietatem ad Paſcha. Teſtibus, Guafrido Filio Petri Comite Eſſex', Willielmo Briweir', Hugone Bard', Willielmo de Stutevill' R. Conſtabulario Ceſtriæ, Hugone de Nevill, Symone de Pateſhill. Dat' per manus Symonis Wellenſis Archidiaconi, et Johannis de Gray'. Apud Ebor' 26 die Marcii, anno regni noſtri primo.

But

But theſe are only ſtill confirmations of the aforeſaid privileges of freedom from tolls, ſtallage, pontage, and laſtage; and not at all any grant of incorporation.

Yet notwithſtanding, it is in fact evident, that they were governed by a mayor and other corporation officers, perhaps as early as any other corporation in the kingdom.

In the reign of king Henry the third, a leaſe of lands at Appleby, by the abbot and convent of Wederhale to Robert ſon of Godfrey, was for the greater notoriety publiſhed in the county court, and in the chapter, and in the *burgmote* of Appleby; and ſealed (amongſt others) with the ſeals of John de Veteripont, of Walter de Ulveſby official, and the *common ſeal of the burgeſſes of Appleby* *. Which ſaid John de Veteripont died about the 26th year of that king's reign, *viz.* in 1241.

By a deed without date, Richard de Apelby clerk granted to Robert ſon of the ſaid John de Veteripont (which Robert died before the end of that king's reign) a meſſuage in the town of Apelby, between the meſſuages of Robert de Goldington and Emma daughter of Barnard: To hold of Idonea daughter of John ſon of Thomas, to him and his heirs for ever; rendring for the ſame for all ſecular ſervice 4*s*. Witneſſes, Maſter William de Goldington then *mayor* [*majore*] of Apelby, Robert de Goldington and John Bretton *provoſts* of the ſame [*præpoſitis* de Apelby], and divers others.

In the 6 Ed. 1. before the juſtices itinerant in Cumberland, there was an agreement between the *mayor* of Appleby, claiming to be "quit from paying "toll throughout England by charter except within the city of London," and Thomas ſon of Lambert de Multon; whereby the ſaid Thomas granted for himſelf and his heirs, that the townſmen of Appleby aforeſaid ſhould be quit of toll, ferryings [tranſverſagiis], ſtallage, and other mercantile charges within his liberty of Egremond †.

In the act of parliament of the 13 Ed. 1. ſt. 3. c. 1. concerning the acknowledging of a ſtatute merchant, where in the Engliſh it is ſaid that the merchant ſhall cauſe his debtor to come before the mayor of *London* or ſome chief warden of a city or of another good town; in the original French it is that he ſhall cauſe him to come before the mayor of *Appleby*—"face venir ſun "dettur devaunt le meyre de *Appelby* †."

From all which it is clear, that there was a mayor of Appleby of very ancient time. And this ſolves a queſtion which hath ſometimes been made, whether (amongſt other things) the mayor by the charter of incorporation had the power given to him of a juſtice of the peace. That office was not inſtituted till the reign of Edward the third. In the firſt year of Edward the third, power was given to the crown to appoint keepers of the peace. In the 18 Ed. 3. power was given to the juſtices of the peace of hearing and determining, which they now enjoy. Charters before the 1 Ed. 3. could not refer to an office which did not then exiſt. Charters granted between the 1ſt

* Regiſtr. Wetheral. † Machel from Dugd. MS.

and

and 18th of Ed. 3. (as ſome ſuch there are) conferred upon the mayor or others the power of keeping the peace, and no more. After the 18 Ed. 3. the king granted by charter the power alſo to hear and determine, which ever ſince hath been annexed to the office of juſtices of the peace. So that what power the mayor of Appleby may have in this reſpect, muſt have been granted ſince the 18th of Edward the third.

The town of Appleby being granted to the burghers as aforeſaid by king John in the firſt year of his reign; the ſaid king afterwards granted (as hath been ſet forth) to Robert de Veteripont Appleby and Brough, together with the ſheriffwick and rent of the county of Weſtmorland. Which grant to Robert de Veteripont being ſubſequent to the grant to the burghers, hereby it came to paſs, that neither the borough nor the ſervices thereof paſſed to Robert de Veteripont. Yet in reſpect of the general words of the Veteripont charter, which would have paſſed the borough, if the ſame had not been before granted to the burgeſſes, the Veteriponts (we find) made claim to the ſervices of the borough. In the 4 Ed. 1. the burgeſſes of Appleby brought a ſpecial writ againſt Roger de Clifford and Iſabella his wife and Roger de Laburne and Idonea his wife, reciting, that whereas the foreſaid burghers are tenants of our lord the king, and hold nothing of the aforeſaid Roger and Iſabella, Roger and Idonea, the aforeſaid Roger and Roger do not permit the ſaid burghers to grind their corn at ſuch mills as they ſhall judge moſt convenient for them to make choice and uſe of, nor permit them to take ſtallrent in all markets and fairs at the ſaid town, nor cuſtoms of ſuch merchants as traffick there, as they and their anceſtors in time paſt were accuſtomed to do; and diſtrain them day by day to compel them to do fealty to the ſaid Roger and Roger for their tenements in the town aforeſaid as if they were their homagers, of whom they hold not any thing at all, nor of any other but our lord the king; to the great damage of our lord the king and the aforeſaid burghers. And Roger and Iſabella, Roger and Idonea, by the attorney of the ſaid Iſabella and Idonea, appeared, and freely acknowleged, that they do require fealty of the aforeſaid burghers, for their tenements in the town aforeſaid; for they ſay, that the aforeſaid burghers hold of them, and not of our lord the king; for they affirm, that king John, grandfather of our now lord the king, gave the aforeſaid town of Appleby to one Robert de Veteripont, great grandfather of the ſaid Iſabella and Idonea, whoſe heirs they are, by a certain charter which they produce; and which doth teſtify, that the aforeſaid king gave to the ſaid Robert, Appleby and Burgh under Stanemore, with the ſervices of all his free tenants in Weſtmorland, excepting thoſe who hold by knights ſervice: And they ſay, that the aforeſaid Robert and all his heirs ſucceſſively, from the time of making the aforeſaid charter, were in ſeiſin of the fealty of the burgh of Appleby, by the tenants which hold in the aforeſaid village, as lords of the village aforeſaid. And the ſaid burghers, for our lord the king, ſay, that whatever charter the ſaid Roger and Roger produce under the name of the ſaid king John, the ſaid Robert anceſtor of the ſaid Iſabella and Idonea never by the ſaid charter did obtain any ſeiſin of the borough of Appleby, nor his heirs ſucceeding him had any right or lordſhip

in the aforeſaid borough, but that the burghers aforeſaid were anſwerable to our lord the king, and never did fealty to the ſaid Robert or his heirs by reaſon of their tenements: But they ſay, that whereas they hold the ſaid borough of our lord the king at the fee farm rent of 20 marks yearly to be paid, they and their anceſtors have done fealty to the ſaid Robert de Veteripont and his heirs, by four burghers, by the community of the ſaid town to this choſen and ſworn, to anſwer to the ſaid Robert and his heirs, as ſheriffs, and not as lords of the aforeſaid borough; and if they have done to them any other fealty, it was by diſtreſs, and not of right. And thereupon iſſue is joined. And becauſe the ſaid Roger and Roger are ſheriffs of Weſtmorland in fee, whereupon the knights and freeholders of the ſaid county are ſuſpected, therefore it is ordered by the court, that inquiry be made of the premiſſes by jurors of the counties of Northumberland, Cumberland, and York: who find, that neither Robert de Veteripont, nor any that ſucceeded him as heir, ever had ſeiſin of the borough of Appleby in which the burghers dwell, but that king John gave to the ſaid Robert *Old Appilby* where the *Bondmen* dwell [*Vetus Appilby ubi Villani manent*], and Burgh under Stanemore, with the appurtenances; which lands king John had in his hands, by reaſon of the treſpaſs committed by Hugh de Moreville: They find alſo, that the ſaid king John gave to the ſaid Robert the ſheriffwick and rent of the county of Weſtmorland, with the ſervices there of all the tenants of the king, except thoſe that hold by knights ſervice: And as to the fealty done to the ſaid Robert and his heirs by the burghers of Appilby for the ſaid borough, they find, that the ſame burghers never did fealty to the ſaid Robert or his heirs for the ſaid borough, except by two bailiffs choſen by the community of the ſaid borough, ſo as to be reſponſible to him for the rent of the ſaid borough, as ſheriff in fee, and not as lord of the borough: They find alſo, that if the ſaid burghers at any time have done any fealty to them, it was by diſtreſſes and force, and not by their will. And judgment was given for the butgeſſes plaintiffs, againſt the defendants *.— And this perhaps might be the reaſon of ſpecially inſerting in their next charter (as hath been ſhewed) that they may pay the ſaid rent either to the ſheriff for the uſe of the king, or immediately into the exchequer.

The town having obtained ſucceſs in the conteſt touching their tenure, thought alſo to have ſet on foot a title by franchiſes, which belonged to the ſheriffs in point of juriſdiction; as, the returns of writs, and pleas of Withernam. Whereupon in the 7 Ed. 1. the burghers of Appleby come and preſent, that king John gave them ſuch liberties as the citizens of York; and that the ſaid king John gave to Robert de Veteripont the ſheriffwick of Weſtmorland, who firſt hindred the burgeſſes to uſe returns of writs and pleas of Withernam: and in purſuance of that claim, in the 14 Ed. 1. the ſheriff of Weſtmorland was commanded to permit them to have returns of all the king's writs, and to make ſummons and attachments, and that he ſhould make returns to the burgeſſes of writs to be executed in that town. The ſheriff appeared and averred, that the bailiffs of that town never had returns of writs.

* Dugd. MS.

But

But the bailiffs appeared not to avouch their franchiſes, and thereupon they were amerced.

After this again, on the other hand, the ſheriffs began to queſtion the burgeſſes. For in the 15 Ed. 1. Iſabella and Idonea ſued William de Goldington, John his brother, Thomas Brayton, and other burgeſſes of Appleby, for that whereas attachments, appeals of death, and other felonies, ought to be ſued before the king's juſtices by writs, or before the ſheriff and coroners in the county court, the defendants held appeal againſt John de Apulby for the death of Nicholas Strainge, and cauſed him thereupon to be attached and impriſoned; and though Iſabella, as ſheriff of Weſtmorland, had come perſonally and brought the king's writ of *ſuperſedeas*, yet the bailiffs held their court of Appleby: And this they declare, to their damage of 1000 *l.* The defendants appear, but could not defend it. And judgment was given for the plaintiffs; and the town's liberty ſeized, and aftewards replevied.

So much of their ancient grants and charters———

In the time of Oliver Cromwell, they ſeem to have had a charter impoſed upon them, reſtrictive probably of their former privileges; for they had been firm in their attachment to the royal cauſe. To which purpoſe the reverend Thomas Machel, ſpeaking of the plunderings and devaſtations which Appleby had ſuſtained in former ages, adds, "And if you ſeek for a later inſtance, "you may find one in the height of Cromwell's tyranny; for when thoſe "bloody regicides, which made the very name of an Engliſhman odious in the "world, were not content to bury their malice with that moſt pious and inno-"cent king whom they moſt barbarouſly murdered, but would farther proceed "to proſcribe his ſon and proclaim their lord and ſovereign a traytor, no man "there (either by reward or threatning) could be induced to act or to appear "in ſo horrid a villainy. The mayor withdrew himſelf, and the bailiffs "(whoſe office it was) threw up their commiſſions, though but poor men, "inſomuch that the ſoldiers were glad to have recourſe unto a fellow in the "market, an unclean bird, hatched at Kirkby Stephen, the neſt of all tray-"tors, who proclaimed it aloud, whilſt the people ſtopped their ears and "hearts, having nothing open but their eyes, and thoſe even filled with tears. "What ſhould I ſpeak of thoſe perpetual perſecutions which the neighbour-"ing gentlemen, who are aldermen of the town, underwent for their loyalty to "the king? I think I need no other argument both for their acting for the "king and their faithful perſeverance, than their conſtant ſufferings, ſequeſtra-"tions, and impriſonments; from which they were never free one fortnight "together, during the unhappy uſurpation of that cruel tyrant. And the "townſmen were not far behind this gallant example of their noble leaders; "who when captain Atkinſon came down from the caſtle with his muſketeers "to chuſe a Roundhead mayor, and clapped his hand on his ſword, ſaying, "*I'll do it by this* *, yet made reſiſtance; for they then conferred the office (to

* This captain Atkinſon who was of Winton in this county, was afterwards hanged, for being concerned in Kaber Rigg plot.

" prevent bloodſhed) on a moderate man, who had acted on neither ſide, " except in bearing that office before; and ſo he was mayor two years to- " gether. And though Oliver, through captain Atkinſon's means, in order " to make himſelf more abſolute, gave a charter to this ancient corporation, " which was rather impoſed than accepted of, yet they preſerved their old " one to the laſt. And when the firſt gentleman, whoſe name I neither need " nor am willing to mention *; after his many refuſals in Oliver's time ac- " cepted the place on the king's return, he would not handle the ſtaff of au- " thority, nor ſuffer the oath of office to be adminiſtred unto him, till he had " ſent for Oliver's charter, and in the face of the court cut it in pieces with " his own hands, and then looking about he eſpied ſome taylors, and caſt it to " them, ſaying it ſhould never be a *meaſure* unto him. What ſhould I ſpeak " of thoſe great acclamations and expreſſions of joy which the people could " not ſmother, at the news of the king's return? What, of that wonderful " pomp and ſolemnity (the like whereof was never ſeen in thoſe parts) upon " his coronation, when there were almoſt as many bonefires as houſes, and two " ſtately high ſcaffolds at each end of the town, hung with cloth of arras and " gold; whither, after ſervice done at the church, the counteſs of Pembroke, " with the mayor, aldermen, and all the other gentry of the county aſcended, " with I know not how many trumpets, and an imperial crown carried be- " fore them, where they proclaimed, prayed for, and drank the health of the " king upon their knees; the aged counteſs ſeeming young again to grace the " ſolemnity. The expences of that day were very conſiderable. For through- " out the town was kept open houſe, after the example of that noble coun- " teſs, who thought not her gates then wide enough to receive her gueſts, " which before had been too wide for receiving armies of ſoldiers."

Finally, whatever charters had before been granted to this corporation, as ſuch, were (amongſt many others throughout the kingdom) ſurrendered to king James the ſecond, and were then loſt, or have not ſince been heard of. And the ſaid king James, July 3d, in the firſt year of his reign, incorporated them *de novo*; ſetting forth, that whereas they had ſurrendered to him all their franchiſes and liberties concerning the electing and appointing of perſons to the offices of mayor, recorder, aldermen, common council, coroner, ſerjeant, ſword-bearer, bailiffs, and chamberlains of the corporation, he therefore grants to them that they ſhall be a body corporate, by the name of mayor, aldermen, and capital burgeſſes of the borough of Appleby; that one of the burghers ſhall be mayor, that there ſhall be a recorder, that twelve of the burgeſſes (beſides the mayor) ſhall be aldermen, that ſixteen of the capital burgeſſes ſhall be of the common council, that there ſhall be a coroner, ſword-bearer, ſerjeant at mace, two chamberlains, and two bailiffs. John Atkinſon, gentleman, to be the firſt mayor. Thomas earl of Thanet, recorder. Sir Chriſtopher Muſgrave knight, Edward Muſgrave and Hugh Machel eſquires, Andrew Cole, John Atkinſon, Thomas Warcop, John Lawſon, Richard

* Hugh Machel eſquire, brother of the ſaid Thomas,

Jackſon,

Jackſon, John Coniſton, Thomas Carleton, John Hall, and Philip Machel, gentlemen, to be the firſt aldermen. Thomas Carleton, gentleman, town-clerk. To exerciſe their office for ſuch time and in ſuch manner as had before been uſed. Vacancies to be ſupplied as had been uſual in the ſaid borough for 20 years next before. The mayor, in caſe of ſickneſs or reaſonable cauſe of abſence, may with the aſſent of three aldermen appoint one of the aldermen to be his deputy. The recorder alſo may appoint a deputy during his pleaſure. With a power reſerved to the king, to diſplace any of theſe at his pleaſure. He grants them a fair on the ſecond Thurſday in April, to continue for two days, at any convenient place within the borough or the liberties or precincts thereof. He grants to them courts leet, view of frankpledge, fairs, markets, waifs, eſtray, deodands, goods of felons and fugitives, felons de ſe, of perſons put in exigent and outlawed, and all other things as they had formerly enjoyed; paying the farm to the king as heretofore. With a reſtrictive clauſe, that neither the mayor, aldermen, nor any of the burgeſſes ſhall interrupt or moleſt any of the king's juſtices, ſheriff, or other bailiffs or miniſters within their borough.

About two years after this, the king iſſued a *Quo warranto* againſt this amongſt other corporations; who being not willing to diſpute a title with the king, though they had received their charter from himſelf ſo lately before, reſolved to return it, which they did on the 4th of June 1688, under their common ſeal, to the effect following; "We the mayor, aldermen, and ca-"pital burgeſſes of the borough of Appleby in the county of Weſtmorland, "in all humble obedience to his majeſty, do by theſe preſents grant, ſurren-"der, and yield up, to the king, his heirs and ſucceſſors, all the powers, "franchiſes, and liberties whatſoever and howſoever to be uſed or exerciſed "by us, by any right, title, or intereſt veſted in us, by any charters, letters "patent, cuſtom, or preſcription, concerning the electing, nominating and "appointing of any perſons into the offices of the ſaid borough; and humbly "beg of his majeſty to accept of our ſurrender, and with all ſubmiſſion im-"plore his grace and favour to regrant to us the naming and chuſing of the "ſaid officers, and the ſaid liberties and franchiſes, or ſo many of them, and "in ſuch manner, as his majeſty in his great wiſdom ſhall judge moſt meet "for the government of the ſaid borough, and with ſuch reſervations, re-"ſtrictions, and qualifications, as his majeſty ſhall be pleaſed to appoint."

No further charter was ever granted. But the ſaid king by his proclamation, for reſtoring corporations to their ancient charters, bearing date Oct. 17, 1688*, declares, that the reſignation of this (amongſt many other charters) was never inrolled, and conſequently the reſignation was void; and if ſo, the charter ſo far ſtood good. But then the ſame declaration extends to the former ſurrender likewiſe, that the ſaid former ſurrender was alſo never inrolled. And it ſeemeth to be holden (as we have ſpoken more at large in treating of the Kendal charter) that a charter granted in conſideration of a void ſurrender is alſo void. And the conſequence of all this will be, that the borough of

* Appendix, N° xxxix.

Appleby

Appleby ſubſiſts as an ancient corporation by preſcription, without any known written charter now in force.

And in virtue of this preſcriptive right, the corporation at preſent conſiſts of a mayor, twelve aldermen, a recorder, ſixteen common councilmen with a ſword-bearer and ſerjeant at mace, two chamberlains, and other officers. The common council chuſe the mayor, and the mayor chuſes all his officers. They have power to arreſt for any ſum without limitation: To acknowledge ſtatutes merchant before the mayor: To take toll both in fairs and markets: To ſeize felons goods, waifs, eſtrays, forfeitures, and eſcheats. All which belong to the mayor. He takes place, by immemorial cuſtom, of the judges of aſſize: Which may have ariſen poſſibly from the conteſts as above mentioned between the ſheriff and the town; and this may be one reaſon perhaps, why the owners of the caſtle do not ſeem to have exerted themſelves at any time, to procure for the corporation a charter from the crown, with fuller and more explicit powers and privileges.

Their ARMS, according to Mr. Bloome, are, Gules, three crowned lions paſſant guardant Or. The creſt, in a coronet a ſalamander Proper. The ſupporters, two dragons Gules. Motto, *Nec ferro nec igni.*

Their common *ſeal* has on one ſide in an antique ſhield the arms aforeſaid, *viz.* three cowned lions paſſant guardant, in pale. The ſhield is embelliſhed with branches and *apples* thereon (which, by the way, agrees with our derivation of the name of this place). The legend round is, *Sigillum communitatis burgi de Appilby:* And on the reverſe, St. Laurence laid at length naked, with his hands acroſs, on a gridiron; which is ſupported by two perſons at each end, the one covered, the other uncovered. Underneath the gridiron is a repreſentation of burning coals. Above, appears a banner diſplayed, towards the head, bearing the arms of the borough; towards the feet, is an angel, receiving in a ſheet or cloth a ſmall figure repreſenting the head and uplifted hands of St. Laurence. The legend round is *Hic jacet Laurencius in craticula poſitus.*

They have alſo a *ſmall ſeal*, which repreſents the virgin Mary crowned, ſitting on a throne, with the child Jeſus at her breaſt. Underneath the throne is a figure in a ſuppliant poſture, with hands and face uplifted. The legend round is, *Sigillum commune beatæ Mariæ virginis de Appelby.*—This ſeems to have been one of the chantry ſeals; for there was a chantry of St. Mary both in the church of St. Laurence and the church of St. Michael.

Beſides theſe, the mayor has a ſmall ſeal, for acts which he may ſingly do as mayor.

This borough ſends two members to PARLIAMENT *.

The ASSIZES for the county are held at this town, as is natural to ſuppoſe; the caſtle being the place of the ſheriff's reſidence: And the judges for

* For a liſt of the Burgeſſes, ſee the Appendix, N° xxxiv.

time

time immemorial have been entertained there at the expence of the ſheriff; which might perhaps ſpring originally from the hoſpitality of the noble family of the Cliffords.

The SESSIONS OF THE PEACE are alſo held at this place. In former times, there were diſputes between the juſtices reſiding in the bottom of Weſtmorland, and thoſe reſiding in the barony of Kendal; theſe latter thinking it hard to travel ſo far as Appleby to a quarter ſeſſion: And each of them proclaimed ſeſſions to be held in their reſpective parts of the county. To prevent which confuſion, it was referred to the judges of aſſize in the year 1676, who recommended, and it hath been the rule ever ſince, that the juſtices ſhall meet at Appleby on Monday in the ſeſſions week, and ſummon juries in the bottom for matters ariſing there; and then adjourn to Kendal on Friday in the ſame week, and ſummon juries in the barony for matters ariſing there: And that at Midſummer, when the days are long, they ſhall hold their ſeſſion alternately at Appleby and Kendal for the whole county, on Tueſday (that no perſon need to travel on Sunday to go to the ſeſſions); and ſhall ſummon half the jury or juries out of the bottom and half out of the barony; and that this being for the whole county, there ſhall then be no adjournment.

At the weſt end of the bridge ſtands the old GAOL; a little, mean, incommodious building; without one inch of ground out of doors, wherein the priſoners might receive freſh air. Though the priſons of ancient times were generally in the caſtles, yet this gaol, from the monkiſh inſcription over the door, ſeems not to be very modern; *viz.*

" Porta patens eſto nulli claudatur honeſto."

Now lately, *viz.* in the year 1771, hath been erected on the other ſide of the river a new gaol, with a yard, and other conveniences; which, when finiſhed, will be a much more comfortable habitation than the former to the miſerable inhabitants. And adjoining hereunto, new court houſes are intended to be erected, wherein to hold the aſſizes and ſeſſions.

At the eaſt end of the bridge ſtands the HOUSE OF CORRECTION, tolerably convenient for the purpoſe: with a garden backwards towards the river.

Towards the high end of the town, on the eaſt ſide, in an healthy and pleaſant ſituation, ſtands an HOSPITAL for 12 widows and a mother, founded by Anne counteſs of Pembroke in the year 1653.

In her ſtatutes for governing the ſame, which bear date on May 16th in that year, it is ordered, that prayers be ſaid duly every morning in the chapel of the hoſpital by the vicar of Appleby: The doors of the hoſpital to be ſhut every night at 8 in the winter, and 9 in the ſummer, and not opened till 7 in the morning in winter, and 6 in the ſummer: The court to be ſwept once in every week, and the kennels and watercourſes about it to be kept clean: If any difference ariſe among them, the ſame to be determined by the major part

of themſelves and the vicar; and if they cannot end it, then to be referred to the owner of the caſtle and the mayor of the corporation.

For maintenance of the ſaid hoſpital, ſhe purchaſed the manor of Brougham, and the late diſſolved hoſpital of St. Nicholas nigh Appleby; and by deed bearing date Mar. 27, 1654, between the ſaid counteſs of the one part, and Sir Charles Howard, Sir Francis Howard, Sir Philip Muſgrave, Sir John Lowther, Sir William Townſhend, Sir George Fletcher, Sir Thomas Sandford, Chriſtopher Liſter, Robert Hilton, and the mayor of Appleby for the time being, of the other part, reciting, that whereas ſhe had built an hoſpital at Appleby for 13 poor women, and had purchaſed certain lands in Brougham and St. Nicholas, of the yearly value of about 100 *l*, which ſhe is reſolved to ſettle not only for the maintenance of the ſaid poor women, but alſo for the yearly payment of 4 *l* to the poor of the pariſh of Brougham, ſhe therefore grants to the ſaid Charles Howard and the other truſtees, all that the late diſſolved hoſpital of St. Nicholas, and all that the manor and lordſhip of Brougham, in truſt, to pay to each of the ſaid poor widows reſident in the ſaid hoſpital (except the mother) 6 *l* a year, and to the mother 8 *l*, and 8 *l* yearly to the parſon of Appleby in caſe he officiate every day in the week (except Sunday) in the chapel of the ſaid hoſpital, otherwiſe to ſuch perſon as the heirs of the ſaid counteſs lords of the caſtle and manor of Appleby ſhall appoint ſo to officiate. The reſidue to be kept in bank, for repairing the houſe, and defraying the charges of the truſtees. When 8 of the truſtees ſhall be dead, the ſurvivors to convey to other ten perſons of worth and quality inhabiting in the ſaid county, to be nominated by the heirs of the ſaid counteſs lords of the caſtle and manor of Appleby, or by their guardians in caſe of minority; and in default thereof for the ſpace of 6 months, then the ſurvivors or major part of them to make election both of feoffees, widows, mother, and chaplain, and ſo *toties quoties*.

About 8 years after this, *viz.* in 1661, the ſaid counteſs (having diſdained, as it ſeemeth, to apply to the Protector) obtained from king Charles the ſecond letters patent for eſtabliſhing the ſaid hoſpital, by the name of the hoſpital of *St. Anne* of Appleby: The counteſs to name the firſt mother and ſiſters; and afterwards, upon the death, or expulſion for any crime or cauſe, of any of them, the ſaid counteſs and her heirs, lords of the caſtle and manor of Appleby, to appoint another: And they alſo to be viſitors of the ſaid hoſpital, and have power to correct and expel for immorality or other cauſe; and, with the conſent of the lord chancellor, or of the archbiſhop of York for the time being, to have power to make ſtatutes for the government of the ſaid hoſpital, and diſpoſition of the lands, goods, and revenues thereof; the ſaid revenues not to exceed the ſum of 100 *l* yearly.

In the year 1687, July 6th, Thomas earl of Thanet, by writing under his hand and ſeal, (by virtue, as it ſeemeth, of his viſitatorial power as aforeſaid) reciting that great abuſe had been practiſed in the hoſpital, as well in ſharing amongſt the mother and ſiſters the 6 *l* a year appointed for the repair of the houſe [being part of the aforeſaid ſurplus, which was then 8 *l* a year], as

alſo in diſpoſing money falling due during vacancies, and that the ſame ought to be accounted part of the public money of the ſaid hoſpital, for providing a ſtock to be uſed on emergent occaſions,—orders, that ſuch houſe and vacancy money be put into a cheſt for ſuch public uſe, and no part be made uſe of without the direction of himſelf, his heirs, or their ſteward or receiver at Appleby caſtle; and that a yearly account be made thereof, and allowed and ſigned by the ſteward.

Here is a good MARKET every Saturday, for corn and other proviſions; and a fair yearly on St. Laurence's day. And alſo a fair every Whitſun-eve and Whitſun-monday; and on the Saturday every fortnight for cattle from Whitſun-eve till Michaelmaſs. And alſo king James the ſecond's fair is held on the ſecond Thurſday in April and the day following.

At the entrance of the churchyard, there is a convenient and decent market houſe or cloiſter; which fronts to the market place, and was built chiefly at the expence of Dr. Thomas Smith biſhop of Carliſle; unto which alſo Dr. Barlow biſhop of Lincoln gave 10 *l.* For this, the corporation pays a rent of 5 *s* yearly to the vicar, in conſideration that part of the ſaid building was erected upon the churchyard.

In the year 1598, the market was removed to Gilſhaughlin, on account of the plague; in which year, between Aug. 1. and Mar. 25. there died in Appleby, Scattergate, Colby, and Colby Leathes, 128 perſons.

OF THE PARISH OF ST. LAURENCE IN APPLEBY.

APPLEBY is divided into two pariſhes; of St. *Laurence*, and St. *Michael*.

The pariſh of St. *Laurence* is bounded on the Eaſt by St. Michael's, commonly called *Bongate* pariſh; on the South-eaſt and South, by Ormeſhead and Aſby pariſhes; on the Weſt, by Croſby Ravenſworth and Morland pariſhes; and on the North, by the ſaid pariſhes of Morland and St. Michael's: And contains in the whole about 160 families, all of the church of England.

The church (as the name imports) was dedicated to *St. Laurence*; which was the original of the fair at Appleby on that ſaint's day, and the ſame feaſt of St. Laurence is for the like reaſon in ancient writings appointed for the payment of rents in places thereabouts.

It is a vicarage, valued in the king's books at 9 *l* 5 *s* 2½ *d.*

It was given by Ranulph de Meſchines, as is aforeſaid, together with the church of St. Michael, to the abbot and convent of St. Mary's York;

with two parts of the tithes of all his demeſne lands on both ſides of the river Eden, which grant was confirmed by king Henry the firſt *.

Afterwards the ſame was confirmed by Athelwald firſt biſhop of Carliſle; and afterwards by Hugh his ſucceſſor, under the following limitations: That the houſe of Wetheral, in the name of the ſaid abbey, poſſeſs the ſame to their own uſe; but ſaving nevertheleſs the penſion uſually paid thereout to the abbey; and that the ſaid abbey do preſent fit perſons to be vicars thereof, to be ſuſtained out of the revenues of the ſaid church, ſo as that ſuch vicar receive thereout ſix marks yearly, he paying all epiſcopal and archidiaconal charges †.

Afterwards, in the year 1247, the ſame was confirmed by Silveſter biſhop of Carliſle ‡; and in the year 1251, judging the ſix marks aforeſaid to be inſufficient,

* Henricus rex Angliæ, &c. Thurſtano Archiepiſcopo Eborum, et omnibus fidelibus et miniſtris ſuis de Weſtmerland et de Cumberland, ſalutem. Sciatis me conceſſiſſe et confirmaſſe Richardo abbati et conventui Sanctæ Mariæ de Eboraco, eccleſias de Appelby, ſc. Sancti Michaelis et Sancti Laurentii, et terras earum, cum decimis de dominicis ejuſdem villæ ex utraque parte aquæ; et decimas de dominico de Mebrun, et de Salchild; ſicut carta R. Meſchin teſtatur. *(Regiſtr. Wetheral.)*

† Hugo Dei gratia Karliolenſis epiſcopus, venerabilibus fratribus in Chriſto Roberto Abbati et conventui Sanctæ Mariæ Eborum, ſalutem æternam in Domino. Cum plerumque contingit, ut per incuriam negligenter adminiſtrantium in eccleſiis, vel (quod pejus eſt) per dilapidationem perperam agentium officium prælatorum, in eis alienationes poſſeſſionum et rerum eccleſiaſticarum in enormem fiant læſionem piorum locorum, atque ea quæ ad ſuſtentationem pauperum et peregrinorum et deſervientium in eis devotione fidelium ſacris cœnobiis conferuntur, in uſus alios qui potius ſalutem animarum impediant quam promoveant minus licite transferuntur: Cum autem, vacante ſede Karleolenſis eccleſiæ, multa in eodem epiſcopatu ſint perpetrata, et quæ fieri debuerant improvidenter omiſſa: Nos, reformationi matricis eccleſiæ non ſolum vacare ſtudentes, verum et aliarum univerſitati et præcipue religioſorum utilitati providentes, optamus aliena revocare, collapſa reparare, et quod negligenter a matricibus eccleſiis ſunt ſeparata annuente Domino ex injuncto nobis officio cupimus reſarcire. Eapropter, kariſſimi fratres in Chriſto, attendentes devotionem veſtram et religioſitatem et caritativam in recipiendis hoſpitibus liberalitatem quam indeſinenter habundantius exhibetis; concedimus vobis, ut eccleſias de Apelby Sancti Michaelis et Sancti Laurentii, quas vobis in proprios uſus prædeceſſor noſter felicis memoriæ Adelwaldus Karliolenſis epiſcopus cum omnibus libertatibus et pertinentiis earundem vobis conceſſit, ſicut in originalibus literis quas ab eodem epiſcopo recepiſtis et habetis plenius continentur, vobis nihilominus de communi aſſenſu capituli noſtri Karleolenſis præſenti ſcripto perpetuo confirmamus habendas et pacifice poſſidendas in uſus proprios: Salvo jure dioceſano. Ita tamen, ut domus de Wetheral nomine univerſitatis veſtræ eaſdem in proprios uſus poſſideat. Salvis tamen conſuetis penſionibus quas de eiſdem eccleſiis percipere conſueviſtis. Et miniſtraturi in eis nobis et ſucceſſoribus noſtris vicarii idonei a vobis præſententur, qui de bonis ipſarum eccleſiarum congruam recipiant ſuſtentationem; ita, ſcilicet, quod vicarius in eccleſia Sancti Michaelis recipiat v marcas, et vicarius in eccleſia Sancti Laurentii percipiat vj marcas: Et ipſi vicarii jura epiſcopalia et archidiaconalia perſolvent, et honeſte eccleſias deſervient. His Teſtibus, B. Priore Karl'. Magiſtro Ada Offic'. Domino Willelmo Capellano. *(Regiſtr. Wetheral.)*

‡ Univerſis ſanctæ magiſtris eccleſiæ filiis, &c. Silveſter Dei gratia Karleolenſis epiſcopus, ſalutem in Domino. Noverit univerſitas veſtra, Nos communi conſilio de aſſenſu capituli noſtri eccleſiæ Sanctæ Mariæ Karl', conceſſiſſe, confirmaſſe, et ratas habere conceſſiones, confirmationes, &c. quas venerabilis pater Hugo Dei gratia Karl' epiſcopus prædeceſſor noſter fecit abbati et conventui Sanctæ Mariæ Ebor', ſuper eccleſiis de Appelby Sancti Michaelis et Sancti Laurentii, et de Kirkeby Stephan, et de Morland, tenendis et habendis in proprios uſus integre et plenarie, cum omnibus capellis

ſufficient, he taxed the ſaid vicarage as follows: *viz.* the whole altarage, with all the tithes of hay and mills, with the manſion-houſe and other houſes on the weſt part of the church, with the waſte ground thereabout: with 20 acres of land, and the whole common of paſture and of wood belonging to the ſaid abbey. And alſo all the tithes of Hoffe, namely, of meal 10 ſkeps, of corn $5\frac{1}{2}$ ſkeps, and of malt 5 ſkeps [*de farina decem eſkeppas, de frumento quinque eſkeppas et dimidium, et de braſeo quinque eſkeppas*]. And foraſmuch as 48 acres of land in the field of Appleby had been given to the church aforeſaid for finding a chaplain to do ſervice every day in the chapel of the caſtle at Appleby, and 37 acres in the field of Hoffe had been given to the church aforeſaid for ſervice to be done in the chapel of Hoffe three days in every week, it ſhall be in the option of the abbot and convent, whether they will keep (by the prior of Wetheral) the ſaid lands with the burden aforeſaid, or aſſign them with the ſaid burden to the vicar: And the vicars of St. Laurence ſhall not pay for the future the 20*s* penſion which they had formerly paid to the vicar of St. Michael's *.

The ſucceſſion of incumbents (ſo many as have occurred to us) is as follows;

In 1070, *Radulphus*, chaplain to Ranulph de Meſchiens the patron, was rector of the church of St. Laurence Appleby †.

About the year 1210, *Roger Dean*, in a bull of pope Gregory the ninth, is mentioned as parſon of the church of Appleby ‡.

In 1225, there was a diſpute between *William* abbot of St. Mary's York, parſon of the church of St. Laurence in Appleby, plaintiff, and Robert ſon of Godfrey defendant, concerning divers lands in Appleby §.

About the year 1230, one *Jurdan*, vicar of St. Laurence Appleby, was witneſs to an exchange of lands at Appleby, for inlargement of the churchyard ⊣.

After

capellis et pertinentiis ſuis. Concedimus etiam et confirmamus et ratas habemus omnes donationes et confirmationes penſionum, libertatum, procurationum, et aliorum beneficiorum eccleſiaſticorum, quas idem venerabilis pater prædeceſſor noſter fecit abbati et conventui prædictis, ſicut in ipſius chartis ſuper hiis confectis plenius continetur, et ſicut temporibus prædeceſſorum noſtrorum habuerant. Et in hujus rei teſtimonium et confirmationem præſenti ſcripto ſigillum noſtrum una cum ſigillo capituli noſtri appoſuimus. Teſtibus Dominis Waltero de Rudham, Willielmo de Swyneford, Henrico de Kingtun; Magiſtris Rogero Pepin, Johanne de Aſkeby; Domino Gilberto de Kyrketun, Domino P. de Petricurta, Nicoloa Spigurnel, et aliis. Actum Lundon' xij Kal. Marcii. Anno Domini m.cc.xl°. Septimo. *(Regiſtr. Wetheral.)*

* Regiſtr. Wetherel. † Todd. ‡ Todd. § Regiſtr. Wetherel.

⊣ Omnibus has literas viſuris vel audituris, Mr. Willielmus de Goldington de Apelby, ſalutem. Noverit univerſitas veſtra me conſenſu totius villæ de Apelby dediſſe et confirmaſſe Deo et eccleſiæ Sanctæ Mariæ Eborum, nec non priori et monachis de Wederhale, unam placeam terræ in villa de Apelby, illam ſcilicet quæ jacet inter terram Hugonis Tinctoris et terram Petri Arbridil in Schiteregate in villa de Apelby, libere et quiete ab omni ſervicio ad villam de Apilby pertinente in perpetuum: Pro quadam parte crofti ſui quæ in dicta villa extendit ſe a parte orientali eccleſiæ Sancti Laurentii a finiſtris verſus aquam de Edene, quam dicti prior et monachi ad augmentum cæmeterii noſtri dederunt. Ego vero Willielmus et hæredes mei warrantizabimus, &c. In cujus rei teſtimo-

After him we find *William de Kyrketon*, vicar of Appleby, one of the commiſſioners for ſetting out the boundaries of certain lands at Kirkby Thore, belonging to the monks of Holme *.

In 1303, a writ was iſſued againſt *Walter de Doncaſtre*, vicar of St. Laurence, for 17 marks †.

In 1307, Sir *Stephen de Popilton* was inſtituted into this vicarage, upon the preſentation of the abbot and convent of St. Mary's York: Saving to them their uſual penſion ‡.

In 1332, Sir *John de Carleton* was preſented by the ſaid abbot and convent, and thereupon inſtituted and inducted. By an inquiſition thereupon it appears, that this Sir John was immediate ſucceſſor to Sir Stephen above mentioned §.

In 1359, ſentence was given at York againſt Sir *William Colyn* vicar of St. Laurence, who had endeavoured to throw the charges of ſerving the chauntry in the caſtle upon the prior and convent at Wedirhall.

In 1379, Sir *Robert Baynes* was preſented and inſtituted.

In the town cheſt of Appleby, there is a releaſe in the year 1399, from *Thomas de Brunby* vicar of St. Laurence in Appleby, to Richard Pathenal chaplain, of three burgages in Appleby.—And in the year 1406, the ſaid Sir *Thomas de Brunby* was cited to York, on the like neglect as of Sir William Colyn above mentioned, in not ſerving the chauntry in the caſtle; and, upon his not appearing before the judge of the prerogative court of the ſaid abbot and convent, was excommunicated; and the excommunication was to be read in the pariſh churches of St. Laurence and St. Michael in Appleby, and in other churches and public places within the dioceſes of Carliſle and York, every Sunday and Holiday ſo long as the ſaid abbot and convent ſhould require, and not to ceaſe until he ſhould comply and make ſatisfaction to the judge and parties ⸸.

And in the year 1466, another difference happened to ariſe, between Sir *Richard Appleby* perpetual vicar of the pariſh church of Appleby and the ſaid abbot and convent, concerning the providing of neceſſary furniture for the ſaid chapel, namely, a book, chalice, and veſtments, which were then wanting; (the family of Clifford being then turned out of all, and the caſtle in the hands of the grantees of the crown:) but this was at length compromiſed by William Peteman LL. D. and William Langton LL. B. arbitrators indifferently choſen, who awarded, that the ſaid Sir Richard the vicar, ſo ſoon as

n'um, ſigi'um meum, una cum ſigillo communitatis de Apelby, &c. appoſui. Hiis teſtibus, Magiſtro Rogero Pepin, Richardo decano de Morland, Jurdano vicario Sancti Laurentii de Apelby, Waltero vicario Sancti Michaeli de Apelby, Johanne et Roberto tunc cappellanis, Richardo Maunſell, Galfrido de Inge, Johanno Clerico de Apelby, et aliis.

* Regiſtr. Holme. † Nicolſon. ‡ Id.

§ What is here mentioned, and elſewhere throughout within this county of Weſtmorland and dioceſe of Carliſle, concerning the preſentation and inſtitution of the ſeveral incumbents in their reſpective pariſhes, is (where not otherwiſe expreſſed) generally taken from biſhop Nicolſon's extracts from the regiſters of the biſhops of Carliſle at Roſe.

⸸ Regiſtr. Wetheral.

conveniently

conveniently might be, ſhould at his own coſts provide one veſtment and chalice, and the abbot and convent a maſs book; and if any of theſe ſhould fall into decay, or be loſt or deſtroyed, the ſaid Sir Richard ſhould repair and make them good during his incumbency *.

In 1518, Sir *Richard Garnett*, vicar of St. Laurence, was witneſs to an agreement for the chantry prieſt to teach a ſchool in Appleby.

In 1526, Sir *Henry Hartley*, vicar of St. Laurence, was commiſſary to Roland Threlkeld then official to the archdeacon of Carliſle.

In 1541, after the diſſolution of the abbey, the rectories of St. Laurence and St. Michael, and the advowſon of the vicarage of St. Laurence, and all tithes parcel of Wetheral, were granted to the dean and chapter of Carliſle. After which, the firſt incumbent that we have met with was Dr. *Hugh Sewel*, on whoſe reſignation in 1573, inſtitution was given to *Lancelot Manfield*, who was preſented by Ralph Sewel of Culgaith and John Sewel of Ouſby, to whom the dean and chapter had made a grant of this turn.

In 1582, on the death of Lancelot Manfield, *Chriſtopher Walker* was inſtituted, on the preſentation of Richard Dudley of Yanwath eſquire, aſſignee of the biſhop of Durham and others, aſſignees of John Sewel, aſſignee of the dean and chapter.

In 1624, on the death of Chriſtopher Walker, *William Crakanthorp* was inſtituted, on the preſentation of the dean and chapter.

In 1628, *John Scott* ſucceeded William Crakanthorp.

In 1636, on the death of John Scott, *Edward Guy*, M. A. was inſtituted on the preſentation of the vicedean and chapter.

In 1653, the counteſs of Pembroke, in her ſtatutes for the hoſpital, orders prayers to be read there by Mr. *Anthony Shaw*, vicar of Appleby.

In 1656, Mr. *Ambroſe Rowland*, vicar of St. Laurence, was one of the truſtees in the ſettlement of an eſtate at Temple Sowerby by Anne counteſs of Pembroke for divers public uſes as will hereafter appear.

In 1661, *James Buchanan*, ſon of one of the prebendaries, was inſtituted.

He was ſucceeded by *Michael Hodgſon*; in what year we have not found.

In 1681, on the death of Michael Hodgſon, *Gabriel Smalwood* was inſtituted; on whoſe tombſtone in the churchyard is this epitaph:

" Hic mortale ſuum carniſque exuvias depoſuit Gabriel Smalwood, M. A. " eccleſiæ hujus vicarius deſideratiſſimus: Qui, bonis quotidie pauperibus " elargitis, tandem (quæ ſola jam reſtabant donanda) Deo animam, terræque " corpus reddidit, Martii die 7^mo^, A. D. 1698. Ætatis ſuæ 48."

On whoſe death, in the ſaid year, *James Lamb*, M. A. was inſtituted, on the preſentation of the dean and chapter.

In 1720, on the death of James Lamb, *John Chriſtopherſon*, B. D. was inſtituted, on the like preſentation.

In 1758, on the death of John Chriſtopherſon, *Sandford Tatham*, M. A. was inſtituted.

* Regiſtr. Wetheral.

The CHURCH of St. Laurence was burned down in the 22 Hen. 2. when the town was taken by the king of Scots; and rebuilt, by the ſaid king Henry, as is ſuppoſed, about two years after.

In the year 1655, the ſame being much in decay, the lady Anne Clifford at her own expence took down all the timber, and the walls of moſt part of the chancel, where a veſtry was heretofore, and rebuilt the ſame without one; and inſtead thereof, a veſtry was taken out of the weſt end of the church. A quire alſo was taken down, which projected towards the town, and had belonged to the Warcops of Colby and the Colbys their anceſtors. In which reparations the counteſs expended near 700*l.*

In the inſide of this church, at the ſouth end of the communion table, is a noble monument within high iron grates; on the ſouth ſide of which monument is this legend:

" Here lyeth interred the body of the lady Margaret Ruſſel, counteſs dowa-
" ger of Cumberland, youngeſt child of Francis Ruſſel ſecond earl of Bedford,
" married to George lord Clifford third earl of Cumberland. She lived his
" wife 29 years, and died his widow at Brougham-caſtle the 24th of May
" 1616, 10 years and 7 months after his deceaſe She had iſſue by him two
" ſons, Francis and Robert, who both died young; and one daughter, the
" lady Anne Clifford, married to Richard Sackvil, third earl of Dorſet;
" who, in the memory of her religious mother, erected this Monument, A. D.
" 1617."

Upon the north ſide of the ſame monument:

" Who faith, love, mercy, noble conſtancy,
" To God, to virtue, to diſtreſs, to right,
" Obſerv'd, expreſs'd, ſhew'd, held religiouſly,
" Hath here this monument: Thou ſeeſt in ſight,
" The cover of her earthly part; but, paſſenger,
" Know heaven and fame contains the beſt of her."

Within the iron grate, in the eaſt end of the north ile, is a yet more noble marble monument, which bears the following epitaph:

" Here lies, expecting the ſecond coming of our lord and ſaviour Jeſus
" Chriſt, the dead body of the lady Anne Clifford, daughter and ſole heir to
" George Clifford, third earl of Cumberland, by his bleſſed wife Margaret
" Ruſſel counteſs of Cumberland. Which lady Anne was born in Skipton-
" caſtle in Craven the thirtieth of January (being Friday) in the year 1590,
" as the year begins on Newyear's-day; And, by a long continued deſcent
" from her father and his noble anceſtors, ſhe was baroneſs Clifford, Weſt-
" merland, and Veſcy, high ſheriffeſs of the county of Weſtmerland, and lady
" of the honour of Skipton in Craven aforeſaid. She married, for her firſt
" huſband, Richard Sackvil earl of Dorſet; and for her ſecond huſband,
" Philip Herbert earl of Pembroke and Montgomery; leaving behind her
" only two daughters that lived, which ſhe had by her firſt huſband; the eldeſt
" Margaret counteſs of Thanet, and the younger Iſabella counteſs of North-
" ampton.

" ampton. Which lady Anne Clifford, counteſs dowager of Pembroke, Dor-
" ſet, and Montgomery, deceaſed at her caſtle of Brougham, the 22d day of
" March, in the year of our lord 1675, chriſtianly, willingly, and quietly;
" having before her death ſeen a plentiful iſſue (by her two daughters) of 13
" grandchildren. And her body lies buried in this vault."

Above this, on another tablet of black marble, is the pedigree and coats of arms of her progenitors, beginning at the firſt Robert de Veteripont.

For the keeping of theſe monuments in repair, and other uſes, the ſaid counteſs purchaſed an eſtate at Temple Sowerby, and by deed bearing date Feb. 2. 1656, conveyed the ſame to Sir John Lowther and Sir Thomas Sandford baronets, Robert Hilton and Lancelot Machel eſquires, Robert Branthwaite eſquire mayor of Appleby, John Thwaites, John Thwaites the younger, John Smith, Thomas Yare, Edmund Guy, John Lowſon, and Thomas Rowlandſon, aldermen, the reverend Ambroſe Rowland vicar of Appleby, and the vicar of Appleby for the time being, in truſt, for the great reſpect which ſhe bears to the corporation of Appleby, by reaſon of her dear and bleſſed mother who lies interred in the church there, that they cauſe the rents and profits of the ſaid eſtate (which was then let at 6*l* a year) to be employed by the mayor, with the conſent of the other truſtees or four of them, for the repairing and decent keeping the tomb in the quire of the church at Appleby, where her ſaid mother lies interred, and one other tomb which ſhe the ſaid counteſs was then preparing to be ſet up for herſelf; and for the repair of the grammar ſchool houſe, and the moot hall or court houſe, both in and belonging to Appleby aforeſaid; and likewiſe for the repair of Appleby bridge. On the death of truſtees, the ſurvivors to chuſe others.

Belonging to the church of St. Laurence were anciently two CHANTRIES.

1. The chantry of the *bleſſed virgin Mary*; founded by the family of *Goldington*, and endowed by them with revenues in the town and elſewhere, for celebrating divine ſervice at the altar of St. Mary in the church aforeſaid, for the mayor, bailiffs, and commonalty, and for the ſouls of the founders and their anceſtors, and all faithful people, and eſpecially of thoſe who ſhould be in any wiſe benefactors to the ſaid chantry.

In the 14 Ed. 1. there is a deed of confirmation from Ralph de Irton biſhop of Carliſle and John de Goldington; from whence it appears, that there were divers rents aſſigned for the maintenance of a chantry prieſt in the church of St. Laurence, charged upon 15 perſons by name, which were to be as a ſecurity for raiſing $5\frac{1}{2}$ marks yearly: If theſe ſhould not be ſufficient, then he charges other rents on the houſes of 13 other perſons. And if the ſaid John de Goldington ſhall improve the ſaid rent, the overplus above the ſaid $5\frac{1}{2}$ marks ſhall remain to himſelf and his heirs.

In the 31 Hen. 6. on a diſpute about a way to the water at Rutter-beck, which had been granted by the lords of the manor of Ormeſhead to the tenants of the chantry of St. Mary in Appleby; between Sir John Lambe, chaplain, otherwiſe called the chantry prieſt of the chapel or chantry of our lady

lady in Appleby, and Robert Langhorne, Thomas Sowerby, John Warthecupp, and Robert Smith, for themſelves and all the reſidue of the ſaid Sir John's tenants in the town of Appleby, of the one part, and John Barton eſquire lord of the manor of Ormſide, of the other part; the ſame was referred to the arbitration of Sir William Stowe, knight, and commander of the mount of St. John, Sir Robert Lowther of Lowther knight, Richard Riſtwald of Appleby gentleman, and Rowland Barton of Newcaſtle upon Tyne clerk: Who awarded, that the ſaid Sir John's tenants in Appleby ſhall have eaſment and liberty of driving their kine (but no other cattle) with a herd, at noon time, during the ſummer ſeaſon only, over the weſt end of Braidmyre ſike, and ſo over Braidmyre to Rutter-beck; and the ſaid herd to drive them within the compaſs of a ſhot of a burdbolt of the Birk-hill dike; and the ſaid kine to ſtay in the ſaid Rutter-beck, until the ſaid herd might ſet two ſpecks on his ſhoes; and then to drive them back again the ſame way: and the ſaid tenants to pay for the ſame, on the feaſt of St. Dunſtan yearly, for every cow 2*d*. *

About 2 years after, the ſaid John Barton eſquire made a rental for the watergate of the cows of the tenants in Appleby; by which it appears, that the number of tenants was 77, and the number of cows 95. †

2. The other chantry in the church of St. Laurence was founded by *Robert Threlkeld*, by the name of the chantry of *St. Nicholas*; and endowed alſo with ſeveral burgage houſes in Appleby.

In the 4 Ed. 3. there was a licence from biſhop Roſs to Robert Threlkeld to aliene in mortmain, with an Inſpeximus of letters-patent of the ſaid king granting licence of alienation to the ſaid Robert of lands in Appleby of the yearly value of 3*l* 4*s* 7*d*, which he held of the king in burgage by the farm of 2*s* 10*d*, which farm is called *Danegeld:* As appears by inquiſition taken by John de Lowther eſcheator general in the northern parts. ‡

Beſides this chantry of St. Nicholas, there was alſo an *hoſpital* of St. Nicholas in the pariſh of St. Michael; as will appear in its place.

There was alſo a CHAPEL in Appleby, as appears by a deed in the 23 Hen. 6. whereby Robert Warcop, mayor, and the burgeſſes of Appleby, granted to John Marſhall chaplain, a certain ruinated chapel upon the weſt end of the ſtone bridge of St. Laurence in Appleby; to hold the ſaid chapel to the ſaid John and his ſucceſſors. The ſaid John to repair the ſaid chapel at his own expence. They grant alſo a licence to him to repair a certain chamber or oratory over the ſaid chapel. To pay a yearly rent of 2*d* to the mayor and burgeſſes, if demanded ‖.——This ſeems to be the very ſame which is now the old gaol; having to this day much more the appearance of a monkiſh cell than a priſon. The revenues thereof perhaps did ariſe from the charity of paſſengers.

* Machel. † Id.

‡ From the evidences in the town cheſt. ‖ Town cheſt.

The

The mention of the *chantries* naturally introduces the account of the SCHOOL. The ſchool, as now eſtabliſhed, is not ancienter than the reign of queen Elizabeth: But there was ſome kind of a ſchool before.

In the 31 Hen. 6. John Marſhall, vicar of St. Michael's, ſold to Thomas lord Clifford a burgage houſe in Appleby, deſcribed to be on the weſt ſide of the ſtreet called Kirkgate, extending in length to a certain narrow lane called *School-houſe gate.*

The chantries ſometimes were given all to one perſon, in conſideration of his teaching ſchool. It was probably upon this account, that in the 19 Ed. 4. the mayor and burgeſſes granted (as appears by their deed) to Thomas Whinfell chaplain, the chantry of the bleſſed virgin Mary, which Thomas de Goldington and John his ſon and their anceſtors had founded in the church of St. Laurence; together with the chantry of St. Nicholas in the ſaid church; and alſo the chantry founded by Sir William Engliſh in the church of St. Michael. *

In the 7 Hen. 8. there was an indenture of agreement, between Sir Richard Garnett vicar of St. Laurence, and Sir Leonard Langhorn chaplain of the chantry of St. Mary; whereby the ſaid chaplain, for the ſtipend of 7 marks, covenanted to officiate and teach ſchool; the ſaid chaplain to have alſo the orchard and all the fruits of it, with hay to feed an horſe.

And more fully, by indenture in the 10 Hen. 8. June 6, 1518, the mayor, bailiffs, and commonalty of the borough of our lord the king of Appleby in the county of Weſtmorland grant unto Leonard Langhorne the chantry of the bleſſed virgin *Mary* in the church of St. Laurence in the borough aforeſaid, with all the lands, tenements, rents and ſervices thereto belonging; to have and to hold the ſame during his life, to celebrate divine ſervice at the altar of St. Mary in the church aforeſaid, according to the rules of the eſtabliſhment and foundation of the ſaid chantry: And further, conſidering that the ſaid chantry is not ſufficient for the ſuſtenance of one chaplain; they give him power to hold two other chantries, namely, the chantry of *St. Nicholas* in the ſaid church of St. Laurence, and the chantry late of William Ingliſh in the church of St. Michael in Appleby aforeſaid. On the other part, the ſaid Leonard Langhorne covenants to teach one grammar ſchool in the borough aforeſaid, during the time that he ſhall enjoy the ſaid chantries. It is further covenanted, that in caſe of ſickneſs or infirmity or pilgrimage, they ſhall excuſe his attendance on the ſaid ſchool during ſuch time. And if it happen that the tenements or rents of the ſaid chantry of St. Mary, by the wars of the Scots or other misfortunes, be waſted or dilapidated; then the ſaid Leonard ſhall be excuſed from officiating and teaching as aforeſaid, until the ſame ſhall be ſufficiently repaired or reſtored. Witneſſes of this agreement, Henry Salkeld mayor, Richard Garnett vicar, Roland Machel, Hugh Machel, Edmund Machel, John Helton, William Gyllat, Thomas Harryſon, and others. †

In the valuation in the firſt fruits office in the 26 Hen. 8. there is this Item; "The chantry or grammar ſchool in the town of Appleby is worth yearly in

* Town cheſt. † Machel.

the manſion houſe and one cloſe 8 *s*, in rents and farms of divers burgages lying within the town of Appleby 4 *l* 3 *s* 3 *d*. In the whole 4 *l* 11 *s* 3 *d*."

In the 1 Ed. 6. By a return made by Sir Thomas Wharton knight and other commiſſioners of king Edward the ſixth, to inquire of all colleges and chantries and their revenues veſted in the king by act of parliament in that year, in the counties of Weſtmorland and Cumberland, it is certified, as to Appulbye, that there is a ſtipendiary uſed to celebrate maſs and other divine ſervice in the pariſh church there, and to keep a free grammar ſchool. Edward Gybſon incumbent and ſchoolmaſter there hath a clear yearly revenue of the ſame for his ſalary 5 *l* 19 *s* 10 *d*. The goods and ornaments belonging to the ſame be valued at 2 *l* 1 *s* 8 *d*.

In the next year, the king granted to William Warde gentleman, and Richard Venables eſquire, the revenues of the chantry at Appleby, to the amount of 5 *l* 11 *s* 8 *d* a year, payable by 47 different perſons. To hold of the king as of his manor of Greenwiche, by fealty only, in free ſocage.

Queen Mary, in conſideration probably of the loſs ſuſtained by the ſchool from the diſſolution of the chantries, granted to the ſaid ſchool 5 *l* 10 *s* 8 *d* yearly, charged upon the rectory of Croſby Ravenſworth. And there was a decree in the exchequer, in the 3 & 4 Ph. and Mary, for the payment of one year's arrear thereof to Edward Gybſon ſchoolmaſter.

Finally, queen Elizabeth, by letters patent, in the 16th year of her reign, eſtabliſhed a free grammar ſchool in Appleby, of the foundation of the burghers there; to have ten governors, of whom when any ſhall die, the ſurvivors or the major part of them then dwelling within the town of Appleby ſhall chuſe another of the inhabitants or freeholders of the town of Appleby aforeſaid, into the place of him ſo dying. The governors to appoint a maſter and uſher; and make ſtatutes and ordinances from time to time; and take lands and poſſeſſions, ſo as they exceed not the clear yearly value of 40 *l*. The firſt governors were Barnaby Machel, John Hartlay, Rainold Hartlay, Leonard Smith, Robert Bland, John Smith, William Bland, John Pelter, Cuthbert Pelter, and John Robinſon.

In the 21 Eliz. In conſideration of 300 *l* (240 *l* of which had been given by the will of Dr. Miles Spencer, and the reſt made up by other benefactions) Robert Bowes of Aſke in the county of York eſquire granted a rent charge of 20 *l* a year, upon the manor and demeſne called Newton Garths in the county of Durham.

In the 31 Eliz. Rainold Hartley ordered by his will, that if the governors of the ſchool, within 5 years after his deceaſe, ſhould purchaſe the cloſe lying on the back ſide of the ſchool-houſe, his executors ſhould give 40 *l* towards it; and if they ſhould not make ſuch purchaſe, but build a new ſchool-houſe, then his executors ſhould give 6 *l* 13 *s* 4 *d* towards the rebuilding thereof.

In the 1 Jac. Chriſtopher Walker, vicar, with conſent of the biſhop and the dean and chapter, granted to Reginald Bainbrig and his ſucceſſors, a parcel of land 27 ells in length and 10 in breadth, to build a ſchool upon, which had before belonged to the priory of Wetheral, lying between the manſion-houſe of the chantry of the virgin Mary on the north, and a burgage of George

earl of Cumberland called Pear-tree garth on the ſouth, and to the highway on the weſt; paying to the grantor and his ſucceſſors yearly 6*d* at Martinmaſs.

The ſaid Reginald Bainbrig purchaſed of Miles Hartley for 40*s* the Pear-tree garth, lying between the ſtreet leading from the church to the ſchool on the ſouth ſide, and a burgage late of the prior of Wetheral on the north: which by his will in the 4 Jac. he deviſed to the ſchool. He alſo gave by his will all his books to the ſchool (on paying 6*l* to his executors), and alſo all the materials which he had provided for building a ſchool-houſe.

In 1661, Dr. Thomas Smith, then prebendary of Carliſle, procured a leaſe of the tithe corn of Drybeck to be granted by the dean and chapter to the ſchoolmaſter of Appleby; for which he pays to the dean and chapter 3*l* 3*s* 4*d* yearly.

In 1671, an indenture was executed, between Sir Richard Sandford baronet, Richard Brathwaite eſquire, Robert Hilton eſquire, Lancelot Machel eſquire, John Thwaites, Thomas Carleton, Leonard Smith, William Smith, gentlemen, Robert Dover, and John Nanſon, yeomen, governors of the free grammar ſchool of Appleby, of the one part; and the provoſt and ſcholars of Queen's college in Oxford, of the other part; whereby the ſaid governors, in conſideration of the great love and affection of the reverend Dr. Thomas Barlow provoſt of the ſaid college (afterwards biſhop of Lincoln), Dr. Thomas Smith prebendary of Durham (afterwards biſhop of Carliſle), and Mr. Randal Sanderſon rector of Weyhill in Hampſhire, manifeſted by the gift of 380*l*, do grant and ſet over all their power of nominating a ſchoolmaſter unto the ſaid provoſt and ſcholars, that they and their ſucceſſors ſhall and may at all times hereafter appoint a ſchoolmaſter; and that the ſaid governors and their ſucceſſors ſhall ſtill have and retain the corrective power as formerly over ſuch maſter as ſhall by the ſaid provoſt and ſcholars be elected, the better to continue the ſaid maſter in his due obſervance and regards towards them. And the ſaid provoſt and ſcholars do for them and their ſucceſſors covenant and promiſe to and with the ſaid governors and their ſucceſſors, that within 6 weeks after notice of the removal or death of a ſchoolmaſter, they will take care to ſend a fit perſon for the ſupply of the ſaid place.

In purſuance of which agreement, benefactions were given to more than the amount of the above conſideration; the ſaid Dr. Smith gave 200*l*, Mr. Sanderſon 300*l*, and Dr. Barlow 100*l* and ſome books: Sir John Lowther of Lowther baronet gave alſo 100*l*. All of whom had been Appleby ſcholars. Dr. Smith was born at Whitwall in the pariſh of Aſby; Mr. Sanderſon, at Regill in the pariſh of Croſby Ravenſworth; and Dr. Barlow, at Lang-gill in the pariſh of Orton.

Of the ſaid money, 500*l* was lent to Richard Brathwaite eſquire, one of the ſaid governors; who in conſideration thereof mortgaged his eſtate at Burtergill, and charged the ſame with an annuity of 30*l*, payable at Martinmaſs and Whitſuntide to the ſchoolmaſter of Appleby; this being the legal intereſt at that time. Another 100*l* was let out upon bonds. And of the remaining 100*l*, 60*l* was paid to Mr. Robert Edmundſon, ſchoolmaſter, for reſigning his place; and 40*l* reſerved towards the building of a dwelling-houſe for the

head maſter of the ſchool. Which, together with the wall about the court or garden wherein the houſe ſtands, was built in the ſame year, and the overplus of the charges above the ſaid 40*l* was jointly paid by the ſaid Dr. Smith and Mr. Sanderſon.

In the year 1676, the ſaid Mr. Sanderſon gave 30*l*, to be expended in planking the floor of the ſchool, renewing the tables and ſeats, inlarging the windows on the back ſide of the ſchool, and cieling the chambers in the firſt loft.

In 1684, the governors purchaſed the demeſne lands of New-hall within the manor of Sandford, with ſome ſmall tenements thereto belonging, of Thomas Warcop and his ſon George, for 500*l*, being part of the ſaid benefactions.

The aboveſaid agreement, whereby the governors transfer to the college their right of nominating a ſchoolmaſter, is undoubtedly void in law. But it is ſo manifeſtly for the advantage of the ſchool and neighbourhood, that it ſeems to have been thought unneceſſary to be at the expence of an act of parliament to confirm it. Elections by a number of feoffees or the like are frequently controuled by ſome leading perſon, and more eſpecially in parliamentary boroughs, where merit is not always the principal thing regarded; for there are other ends to ſerve. And we need go no further perhaps for an example, than this inſtance before us. For notwithſtanding that queen Elizabeth by the charter of foundation had appointed all the ten governors of the ſchool to be choſen out of the inhabitants or freeholders, that is, perſons who have a freehold eſtate [*de inhabitantibus vel liberis tenentibus*] in the town of Appleby; yet at the time of this agreement, we find four of the governors (firſt named) not inhabiting within the town, and (ſo far as appears from a liſt of the burghers taken upon the occaſion of an election of members of parliament not long after) three of them having not then any eſtate in the town, and the fourth not ſo much as would make a vote, having only what they called half a burgage. And the ſchool, it ſeems, was conducted accordingly: for they gave the ſchoolmaſter 60*l* to reſign. And into his place was elected Mr. *Richard Jackſon*, ſchoolmaſter of Kendal, who had before been ſchoolmaſter of Bampton; one of the moſt eminent teachers of his time.

He was ſucceeded by *Jonathan Banks*, B. A. in 1686, nominated by the college; on whoſe death in 1721, *Thomas Nevinſon*, M. A. ſucceeded on the like nomination.

On the ceſſion of Mr. Nevinſon, ſucceeded the preſent ſchoolmaſter *Richard Yates*, M. A. nominated alſo by the college; who hath executed that office for the ſpace of 50 years*, with honour, ability, aſſiduity, and learning; who hath inſtructed two generations of gentlemen and others, not only in the town and neighbourhood, but from many other parts of the kingdom; and furniſhed during that time near half the foundation of Queen's college aforeſaid; who, together with claſſical precepts, hath been always ſolicitous, by his example and every method of inſtruction, to recommend the practice of virtue and religion.

* viz. at this preſent writing in 1773.

In

In the year 1720, March 26, Thomas earl of Thanet gave to the provoſt and ſcholars of the ſaid college 1000*l*, which they employed towards building the ſaid college, in conſideration that they ſhall pay 40*l* a year, or legal intereſt, as exhibitions for five poor ſcholars, who have had their education for three years immediately before their going to the univerſity in the free grammar ſchool of Appleby. None to be intitled to any ſhare therein who were not born in Weſtmorland. And none to hold an exhibition after he hath left the college, or taken the degree of maſter of arts; keeping all terms, and doing all public exerciſes, during that time. Eſpecial regard being always had, if equally deſerving, to ſuch as ſhall be ſons of any of the tenants of the ſaid earl or his family, within the manor and pariſhes of Appleby, Brough, Brougham, and Kirkby Stephen, or any other of his manors in the ſaid county. The nomination of the ſaid ſcholars to be in the ſaid earl during his life, and of the provoſt and ſcholars afterwards. In caſe there ſhall be a failure of ſuch poor ſcholars from Appleby ſchool, then and not otherwiſe, and during ſuch time only, the ſaid exhibitions ſhall be given to other poor ſcholars in the ſaid college to be nominated as aforeſaid, provided they were born in the ſaid county, and had their education in any other ſchool of the ſaid county.

Beſides theſe, the lady Elizabeth Haſtings, by her will dated Ap. 24, 1739, deviſed her manors, lands, and hereditaments in Wheldale in the Weſt Riding of the county of York, to the provoſt and ſcholars of Queen's college in Oxford; out of which 140*l* a year ſhall be applied for five exhibitions of poor ſcholars of 28*l* each. But they ſhall receive for the firſt four years (from Pentecoſt preceding the election) only 20*l*, the other 8*l* to be laid up in the college cheſt, 20*l* of which to be paid at the middle of the 5th year, and 20*l* more at the end of it, to thoſe that have taken their bachelor's degree. The ſchools of Leeds, Wakefield, Bradford, Beverley, Skipton, Sedbergh, Rippon, Sherborn, Appleby, Heverſham, St. Bees, and Penrith, to have each a privilege of ſending one poor ſcholar every five years to the place of nomination; the maſter to ſend with him a certificate that he hath diſtinguiſhed himſelf above the reſt of the ſame rank in his ſchool for morals and learning; is well grounded in the principles of the church of England, hath competent parts and remarkable induſtry, and hath applied himſelf to the reading of Greek authors at leaſt four years. The boy to carry likewiſe a certificate of his age from the regiſter, ſigned by the miniſter and churchwardens. Every candidate to enter upon his 19th year, and none to ſtand after his 21ſt is compleated. Copies of that part of the will to be read to the candidates four times in the two laſt years antecedent to the election. The rectors of Berwick, Spofforth, and Bolton-Percy, and the vicars of Leeds, Ledſham, Thorp-Arch, and Collingham, to meet every five years at the beſt inn in Abberford, on Thurſday in Whitſun week, before eight in the morning. The boys to be there the night before. To begin exerciſe by eight; the ſame to be, part of an oration in Tully, not exceeding eight or ten lines, to be tranſlated into Engliſh; and part of one of Demoſthenes, about the ſame number of lines, into latin; and two or three verſes of the latin teſtament into greek: This for the forenoon. In the afternoon, two ſubjects; one of practical divinity out of the catechiſm,

catechiſm, on which to give their thoughts in latin, in not fewer than eight lines, nor more than twelve; the other, a theſis for two diſtichs of verſes: All to be on one fair ſheet of paper ſigned by the boys. The electors to return ten of the beſt, ſigned by them, to the provoſt and fellows, who ſhall out of them chuſe eight. The names of the eight to be written on diſtinct pieces of paper, rolled up, and put into an urn or vaſe by the provoſt. The five whoſe names are firſt drawn, to be elected. If any of them marry, or go into orders, before the expiration of five years, his exhibition from thence to ceaſe. The provoſt and fellows may deprive an exhibitioner for miſbehaviour. The vicar of Ledſham to give notice three months beforehand to the ſchoolmaſters; for which he ſhall have 1 *l*, and 9*l* more for the election charges. And the boys ſhall have for travelling from the Yorkſhire ſchools 5 *s*, and from the others 10 *s*. If any ſchool ſhall ſend none for four elections, the provoſt and fellows ſhall put in another ſchool in the ſame county. The overplus of the eſtate to be given by the provoſt to the beſt deſerving, for reſiding the ſixth year; or may be added to increaſe the exhibitions.

COLBY.

Deſcending from Appleby towards the weſt, at about a mile's diſtance, we arrive at the village of Colby.

It appears to have been held of ancient time by a family of the name *de Colby*, and from them to have come by an heireſs to the family of *Warcop*.

In the 22 Hen. 2. we find one *William de Colby*, who was one of thoſe officers that were fined by the ſaid king, for delivering up Appleby caſtle to the king of Scots. Which *William* ſeems to be the ſame who in the regiſter of Wetheral priory is ſtyled *William de Breton* lord of *Colleby*, who in the ſaid king's reign confirmed a grant of lands to the ſaid priory.

In an inquiſition in the reign of king Henry the third, concerning waſte made in the lands of Robert ſon of John de Veteripont during his minority by the prior of Carliſle who had the wardſhip of the ſaid Robert granted to him, the name of one of the jurors is *Hugh de Colleby*. Which ſaid *Hugh de Colleby* was witneſs to a grant of lands at King's Meburn by John ſon of Walter de Ravenſby to the priory of Wetheral.

In the 8 Ed. 2. by the inquiſition *poſt mortem* of Robert de Clifford, the jurors find, that *Thomas de Colleby* held *Colleby* of the ſaid Robert on the day on which he died; the wardſhip of whom, when it ſhould happen, was worth 13*l* 16*s* 8*d* a year; and the cornage of the ſaid vill 6*s* 10*d*.

In the 16 Ed. 3. *Hugh de Colleby* had a letter of attorney from William de Corbrigg and John de Berewys, to give poſſeſſion of the manor of Berewys to Thomas de Berewys.

By an inquiſition in the 18 Ed. 3. it was found, that *Margaret de Colby* held the manor of Colby.

In the 15 Ric. 2. after the death of Roger de Clifford, the inquiſition finds, that *Thomas de Mallerſtang* and *Margaret* his wife, as of the right of the ſaid *Margaret*,

Margaret, held the manor of Colby, by homage and fealty and the cornage of 6*s* 10*d*. So that here it went off with a daughter.

In the 4 Hen. 4. Maud widow of Roger de Clifford died ſeiſed in dower of the rents and ſervices of *Thomas* ſon of *William de Warthecopp* and *Margaret* his wife, as of the right of the ſaid *Margaret* (ſo that this *Thomas* ſeems to have been her ſecond huſband), for the manor of Colbie.

In the 31 Hen. 6. *Thomas Warcopp*, vicar of Kirkby Stephen, as of the right of *Margaret* mother of *Katherine* late wife of the ſaid *Thomas*, held the ſaid manor of Thomas de Clifford. And after him *Thomas Warcop* of Colby, ſon of *Thomas Warcop* vicar of Kirkby Stephen.

By an inquiſition of tenants holding by knights ſervice of Henry earl of Cumberland in the 18 Hen. 8. it is found, that *Thomas Warcopp* of Colby held the manor of Colby by the cornage of 6*s* 10*d*.; yielding wardſhip, marriage, and relief, and ſuit to the county court; and that the ſaid manor heretofore belonged to *Hugh de Bello campo*.

In the 33 Hen. 8. *Thomas Warcop* of Colby and *Barnaby* his ſon and heir apparent, exchanged a tenement in Colby for lands elſewhere.

In the 1 and 2 Ph. and Mary, *Barnaby Warcopp* held the ſaid manor *.

In Mr. Machel's time, in the reign of king Charles the ſecond, there was one *Thomas Warcop* of Colby gentleman, who (he ſays) was the principal of the family, but it was then gone to decay. He had 22 children; but the name and family at Colby is now totally extinct.

The Warcops ſold moſt of the tenements to freehold; and the reſt that were not then able to purchaſe have been ſince infranchiſed.

Ranulph de Meſchines gave a carucate of land at Colby to the priory of Wetheral in 1086 †.

And in the reign of king Henry the ſecond, Emſand ſon of Walter granted to God and the abbey of St. Mary's York and the monks of Wederhale a carucate of land at Colleby. Which grant William Breton lord of Colby couſin and heir of the ſaid Emſand confirmed, to God and the monaſtery of St. Mary's York, and to Clement the abbot and his ſucceſſors and the monks there ſerving God and St. Mary, for the health of his ſoul and of Emma his wife and his father and mother and all his anceſtors and ſucceſſors. Witneſſes Robert archdeacon of Carliſle, Murdach dean (rural) of Appleby, William de Lowther, Adam de Muſegrave, Goſpatric ſon of Orme, Torphin de Wateby, Thomas de Hellebeck, Gamel de Sandford, Adam ſon of Uctred of Botelton, Alan ſon of Torphin de Alneſton, Waldeve de Kirkeby Thore, William de Appilby, Copſi the Moorward, and others. And the ſame was alſo confirmed by king Henry the ſecond ‡.

* All the extracts of the inquiſitions *poſt mortem* of the Cliffords, here and elſewhere, are taken from copies made from the evidences at Appleby and Skipton caſtles by Mr. Machel and Mr. Bird.

† Machel.

‡ Regiſtr. Wetheral.

The

The biſhop of Carliſle hath ſome tenants at this place, who pay an annual rent of *3l 6s 8d.*

The priory of Carliſle alſo had ſome lands lying between Colby and Bolton, given to the ſaid priory by Uchtred and Ada his heir; which were confirmed by king Henry the ſecond.

BARWISE.

Turning Southward from Colby, we come to the demeſne and hall of Berwise. In the reign of king Henry the third, we find one *Alan de Berwys*, a man of conſiderable note. He was one of the witneſſes to a charter of John de Veteripont to the inhabitants of Kirkby Thore, to be free from the demands of the foreſters. And he was one of the jurors to inquire concerning the waſte committed by the prior of Carliſle in the lands late of the ſaid John, during the minority and wardſhip of his ſon.

In the 40th year of the ſaid king, Thomas Vipont, biſhop of Carliſle, by virtue of a mandate from pope Alexander the 4th, granted to this Alan de Berwys, by reaſon of his diſtance from the pariſh church, and inundations in the winter ſeaſon, a licence to build a chapel on his own ground there; and he was to endow the ſame, and might receive benefactions for the ſame alſo from others: The chaplain to take an oath of obedience to the vicar of the mother church.

He ſeems to have had ſeveral ſons. To one of them, *Alan*, he gave all his lands in Slegill; whoſe deſcendents continued there for five generations.

John de Berewyſe and *Henry* his brother, who ſeem to have been other two ſons, were witneſſes to a deed of a meſſuage in Appleby, from Richard de Apelby to Robert de Veteripont ſon of John.

In the 27 Ed. 1. *John de Berewiſe* ſon of John de Berewiſe granted lands in Aſkeby to William ſon of Simon de Brampton.

In the 30 Ed. 1. *William de Berewys* repreſented the borough of Appleby in parliament.

In the 7 Ed. 2. *Alexander de Berewiſe* repreſented the ſaid borough.

In the 16 Ed. 3. *Thomas de Berewiſe*, ſon of *Euſtace de Berewyſe*, being then come of age, had livery of the manor of Berewyſe. In the next year we find him ſtyled *Sir Thomas de Berewiſe.*

In the 34 Ed. 3. *Thomas de Berewiſe* repreſented the county of Weſtmorland in parliament.—And this is the laſt of the name that hath occurred.

How the eſtate came to the *Roſſe's*, whether by marriage or otherwiſe, we have not found.

But in the 12 Hen. 7. we find one *Thomas Roos* at Barwyſe; who obtained a diſpenſation to marry Elizabeth Blenkinſop of Hellebeck, his couſin in the 4th degree.

They had a ſon *Thomas Roos* of Barwiſe eſquire, who died in the 35 Hen. 8.

It is ſaid, the laſt of this name forfeited the eſtate, by ſtealing a ſilver chalice out of the church *.

Afterwards it came into the hands of Sir *John Sudwick:* Who ſold the ſame to Sir *John Boyer.*

Lady *Boyer* ſold the ſame to *Reginald Dobſon* of Dufton; who had a ſon *Reginald Dobſon*, who had two daughters, *Elizabeth* married to Robert Brathwaite of Warcop eſquire, and *Milcah* married to Cuthbert Collingwood of Newcaſtle upon Tyne merchant. And *Barwiſe* was ſold to *John Stephenſon* of Newcaſtle aforeſaid merchant; who ſold the ſame in 1748 to *Thomas Carleton* of Appleby eſquire, who had only two daughters, the younger of whom was married to George Stephenſon of Warcop eſquire, and died without iſſue; the elder daughter *Elizabeth* was married to John Metcalfe of Bellerby in the county of York eſquire, and hath iſſue now living, *Elizabeth*, *John*, and *Thomas.*

HOFF AND DRYBECK.

From Barwiſe advancing towards the South-eaſt, we arrive at HOFF and DRYBECK; which finiſhes our perambulation of the pariſh of St. Laurence.

DRYBECK is a ſmall village, conſiſting of about ten families, in the manor of *Hoff:* ſo called from a ſmall rivulet running by it, which in the ſummer ſeaſon is dry.

HOFFE *(Offa)* was a frequent name among the Saxons, and poſſibly the village might receive its name from the owner, in like manner as the owner often received his name from the place he lived at.

There was one *William de Offa* witneſs to a deed of a meſſuage in Appleby, from Richard de Apelby to Robert ſon of John de Veteripont, in the reign of king Henry the third.

Nevertheleſs, before this time, namely, in the reign of king Henry the ſecond, Sir Hugh Morvil was in poſſeſſion thereof, from whom it deſcended to his two daughters coheirs, *Ada* married to Thomas de Multon, and *Joan* married to Richard Gernon; which Joan had a daughter and heir Ada married to Richard Boyvil and afterwards to William de Furnival. Thus by an inquiſition in the 55 Hen. 3. it is found, that Ada then widow of William de Furnival deceaſed, held a moiety of a certain manor called Off, beyond Trent, in the county of Weſtmorland; and that Helwiſe her daughter, wife of Euſtachius de Balliol, was her next heir, aged 23 years. But the whole afterwards, by failure of iſſue of this younger branch, came to the Multons, deſcendents of Sir Hugh Morvil's elder daughter Ada.

In the 20 Ed. 1. Sir *Hugh de Multon* of Hoffe was a juror at Appleby, in a cauſe between the king and the abbot and convent of St. Mary's York, concerning the advowſon of the two churches in Appleby. Which Sir Hugh was not of the direct line, but probably a younger brother of the family.

* Machel.

By an inquiſition in the 3 Ed. 2. it was found, that the heir of *Thomas de Multon*, then under age, held Hoff of Robert de Clifford lord of Weſtmorland.

And in the 8 Ed. 2. after the death of the ſaid Robert, it was found, that the heir of *Thomas de Multon* of Gilleſland held the manor of Hoff and Drybeck; the wardſhip whereof was worth 30*l* a year, and the cornage 9*s* 2*d*.

This heir of *Thomas de Multon* was a daughter, *viz.*

Margaret de Multon of Gilſland; who was married to *Ranulph de Dacre*, and brought with her the inheritance into the family of Dacre.

By an inquiſition in the 18 Ed. 3. it was found, that *William Dacre* held the manor of Hoffe and Drybeck.

In the 10 Hen. 5. after the death of John lord Clifford, the inquiſition finds, that *Thomas de Dacre* held of the ſaid John, on the day on which he died, the manor of Hoff.

In the 17 Hen. 6. *Thomas de Dacre*, lord of Gilſland, made a ſettlement of his eſtates, and amongſt the reſt, of the manor of Hoff, and all his lands and tenements in Drybeck and Appleby.

In the laſt year of king Hen. 6. *Ranulph de Dacre* being ſlain in the battle of Towton Field, his eſtates were confiſcated, but were reſtored to his brother *Humphrey* by king Edward the fourth; amongſt the particulars whereof, is the manor of Hoff.

In the 1 Hen. 7. after the death of the ſaid Humphrey, the inquiſition finds, that Humphrey Dacre lord of Dacre and Gilſland held of Sir Thomas Thweng knight (who was probably a grantee of the crown, after the attainder of John lord Clifford) the manor of Hoff; and that *Thomas Dacre* was his ſon and heir, of the age of 18 years on the feaſt of St. Catherine then laſt paſt.

Which Thomas Dacre had a ſon *William*, who had iſſue *Thomas*, *Leonard*, *Edward*, and *Francis*. *Thomas* had a ſon *George*, who died in his infancy; and three daughters, *Anne*, *Mary*, and *Elizabeth*; of whom, *Mary* died unmarried, *Anne* was married to Philip earl of Arundel, and *Elizabeth* to the lord William Howard, both of them ſons of Thomas duke of Norfolk. The intailed eſtates came to their uncles in tail male; all of whom were attainted of treaſon and baniſhed upon account of the affair of Mary queen of Scots. Which intail continued till the tenth year of king Charles the firſt, when *Ranulph* ſon of *Francis*, the laſt in the intail, died without iſſue.

During the time of theſe eſtates being in the crown, queen Elizabeth in the 33d year of her reign demiſed to Richard Southwaite gentleman the woods, underwoods, and trees growing in Hoff Lun wood, in the manor of Hoff and Drybeck, in four ſeveral copſes; *viz.* Greenbank coppice or hag, 20 acres; Howgill coppice or hag, 20 acres; Bradland bank, 30 acres; Foddering-land hag, 12 acres; for the term of 21 years: paying for the ſame 40*s* yearly.

And in the 35th year of her reign, the ſaid queen granted the *herbage* and *hay ground* of Hoff Luyne wood, parcel of the manor of Hoff and Drybeck, being parcel of the lands and poſſeſſions of Leonard Dacre eſquire, attainted

of

of treaſon,—to Thomas Yaire, Miles Yaire, and Anne Yaire, and their aſſigns, for the term of their lives, or till ſurrender or forfeiture; for which they paid a fine of 6*l* 8*s* 4*d*, and a yearly rent of 3*l* 6*s* 8*d*. And after the death of each who died tenant thereof, 30*s* to be paid in the name of an heriot.

Note, *Lun*, *Llwyn*, is Britiſh; and ſignifies a wood or grove.

In the 44 Eliz. the ſaid queen granted (amongſt other particulars) the manor of Hoffe and Drybeck, to Edward Carill, John Holland, John Cornewalleys, and Robert Cancefield, eſquires, until and ſo long as there ſhould be an heir male of the body of Francis Dacre eſquire late attainted of treaſon in full life.

Finally, *William Williams*, who had been ſteward at Grayſtock caſtle, purchaſed this manor, and died leaving four daughters coheirs; the eldeſt was married to Sir Edward Haſſel knight, the ſecond to *John Winder* eſquire counſellor at law, the third to Mr. Relph of Cockermouth, and the fourth to Dr. Gibbon dean of Carliſle. The ſaid John Winder with the ſecond daughter had Hoff; and had iſſue *Williams Winder* eſquire, who deviſed the ſame to his kinſman *Edward Milward* eſquire grandſon by his mother's ſide to the ſaid Dr. Gibbon, and ſon of the reverend Thomas Milward rector of Marton and of Kirkby Thore.

There was anciently a *chapel* at Hoff, wherein a chaplain was to officiate three days in every week; for which, as appears from biſhop Silveſter's endowment of the vicarage as aforeſaid, 37 acres of land were aſſigned in the field of Hoff.

The ſum of 18*s* a year was payed out of Hoff to Shap abbey, for and in name of alms corn.

The hoſpital of St. Leonard's York had two oxgangs of land in Drybeck. *(Dugd.)*

At the ſouth end of the old bridge at Hoff, is a place which in Mr. Machel's time was called Douglaſs-Ing; where, it is ſaid, a battle was fought between the Scotch and Engliſh. At which time Appleby was burned. Bones of dead men have been dug up near the old bridge ſtead.—Perhaps this may refer to the 13 Ric. 2. in which year, in the month of November, when the Engliſhmens barns were full, and their yards or barnekins well ſtored with proviſions for the winter, the Scots, under the conduct of the earl of *Murray* and the lord *Douglas*, entred into England, and burned the country of Gilſland, kept on their journey to Burgh under Stanemore, and ſo through Weſtmorland and Cumberland, and after much ſpoil and waſte made in all the countries and parts aforeſaid, with many priſoners and great riches, they returned into their own country. *Drake's Hiſtoria Anglo-Scotica*, 84.

PARISH OF ST. MICHAEL'S APPLEBY.

PASSING over the bridge, we come to the other pariſh in Appleby, namely, that of ST. MICHAEL, which now is ſcarcely deemed part of Appleby, and goes commonly by the name of *Bongate* pariſh. *Bongate*, properly ſo called, is the ſtreet where the *villani* or *bondmen* inhabited, who were attendent upon the caſtle to execute the ſervile and laborious offices.

Thus by the inquiſition aforeſaid, on occaſion of the diſpute between the town and the owners of the caſtle, it was found, that king John did not grant to Robert de Veteripont the town of Appleby then properly ſo called, but *Old Appleby* where the *bondmen* inhabit.

This pariſh is bounded on the eaſt by the pariſhes of Romaldkirk and Warcop; on the ſouth, by the pariſhes of Warcop and St. Laurence Appleby; on the weſt, by the pariſhes of Kirkby Thore and Marton; and on the north, by the pariſhes of Kirkby Thore, Marton, and Dufton; and contains in the whole about 145 families, all of the church of England.

It is a vicarage, valued in the king's books at 20*l* 13*s*. 9*d*.

Ranulph de Meſchines gave this church to the abbot and convent of St. Mary's York: Which grant was confirmed by king Henry the ſecond. And the ſame was confirmed and appropriated to the ſaid priory by Athelwald firſt biſhop of Carliſle; whoſe appropriation was confirmed by his ſucceſſor Hugh, under the following limitations; namely, that the cell of Wetheral poſſeſs the ſame to their own uſe, ſaving to the ſaid abbey their uſual penſion; and that they preſent a fit vicar to the ſame, and allow him a ſtipend of 5 marks, he diſcharging all epiſcopal and archidiaconal charges.

It ſeems, after this, that the biſhops of Carliſle claimed the patronage of the advowſon; whereupon pope Gregory by his bull in the year 1239 confirmed the patronage to the priory of Wetheral *.

Nevertheleſs, in the year 1248, the abbot and convent granted the patronage of the ſaid vicarage to the then biſhop of Carliſle and his ſucceſſors; ſaving to the ſaid abbot and convent the penſion accuſtomably paid to them out of the ſame by the prior of Wederall. Which vicarage at the ſame time was taxed at 20 marks †.

In 1256, *Walter Feadwell* was vicar; as appears by an inſtrument in that year by Thomas Vipont biſhop of Carliſle executed at Bewley, on a reference to him by the abbot and convent of St. Mary's York, ordaining, that the vicar and his ſucceſſors ſhall have for their portion the tithes of lambs and wool, all oblations, Lent offerings, the tithes of flax, gardens, the whole white tithes, of colts, calves, ſacramental offerings, the tithes of hay throughout the whole pariſh, of mills, alehouſes, marriages, mortuaries, the tithe of pigs, and all tithes and oblations to the altarage happening howſoever, and a moiety of the

* Regiſt. Wetheral. † Id.

arable and meadow land; alſo all the tithes ariſing from the hoſpital of St. Nicholas in the ſaid pariſh; and certain toſts and croſts therein ſpecified *.

In the year 1291, there was a diſpute between king Edward the firſt and the abbot of St. Mary's York, concerning the advowſon of the church of St. Laurence in Appleby and the church of St. Michael in Appleby in Bondegate; the king affirming that king Henry the ſecond preſented to the ſame Adam and John his clerks: But the jurors find, that the abbot had more right in the ſaid advowſons than the king. The names of the jurors were, Thomas de Culwene, Hugh de Multon of Hoffe, William de Stirkeland, John de Roſſegill, R. le Englays, Richard de Preſton, knights; Jo. Mauſchael, William de Crakenthorp, Richard de Muſegrave, Jo. Fraunceis of Cliburn, Richard de Warthecop, and Richard Tyrel.

In 1302, one *Richard de Bradewood* was vicar; who being accuſed of non-reſidence, and having made his purgation, had thereupon letters of remiſſion granted.

In 1339, on the death of Richard de Bradewood, *Henry de Appleby* was collated by biſhop Kirkby.

In 1362, *Richard de Aſlackby* was collated by biſhop Appleby.

In 1369, the ſame biſhop collated *John de Merton*, who in the ſame year was preſented by the provoſt and ſcholars of Queen's College in Oxford to the vicarage of Burgh under Stanemore, upon an exchange agreed on between him and *John Raynald* vicar there.

In 1452, one *John Marſhall*, vicar of St. Michael's, ſold to Thomas lord Clifford a burgage in Appleby.

* Omnibus Chriſti fidelibus ad quos præſens ſcriptum pervenerit, Thomas permiſſione divina Karliolenſis eccleſiæ miniſter humilis, ſalutem in Domino ſempiternam. Ad univerſitatis veſtræ notitiam volumus pervenire, quod cum inter viros religioſos abbatem et conventum Sanctæ Mariæ Eborum, per fratrem Thomam de Scyreburn monachum et Galfridum de Grangiis procuratores ſuos et priorem et monachos de Wederal perſonaliter comparentes ex una parte, et Walterum de Feadwelle perpetuum vicarium eccleſiæ Sancti Michaelis de Appelbi perſonaliter comparentem ex altera parte, ſupra taxationem vicariæ ejuſdem eccleſiæ coram nobis eſſet actitatum; Nos, de communi conſenſu utriuſque partis, non obſtante taxatione aliqua prohibita, vicariam memoratæ eccleſiæ taxavimus in hunc modum: viz. Quod prædictus Walterus et ſucceſſores ſui qui miniſtraturi ſunt in dicta eccleſia habeant nomine vicariæ omnes agnos, lanam, omnimodas obiationes, decimas quadrageſſimæ, lini, ortorum, totius albi, pullorum, vitulorum, denariorum venientium cum pane benedicto, decimas fœni totius parochiæ, molendinorum, cerviſiæ, et ſponſalia, mortuaria, decimas porcellorum, et omnimodas decimas et obventiones ad altaragium qualitercunque contingentes, et medietatem totius terræ arabilis et prati. Ita tamen quod tota terra arabilis et pratum per viros fide dignos, ad hoc ex utraque parte communiter electos, in duas equales partes dividantur, et ſorte dirimantur. Item, dictus vicarius et ſucceſſores ſui habebunt totam decimam provenientem de hoſpitali beati Nicholai in eadem parochia; et omnes toſtos et croſtos a domo Aſſini uſque ad domum Roberti Waldi ex auſtrali parte dictæ eccleſiæ continuatos. Et dictus prior habebit omnes toſtos et croſtos reſiduos ſimiliter ad eccleſiam pertinentes, cum capitali meſſuagio. In cujus rei teſtimonium, una cum ſignis dictorum prioris et vicarii, mutuis ſcriptis utriuſque partis, ſigillum noſtrum apponi fecimus. Datum apud Bellum Locum in craſtino annunciationis dominicæ. Anno Domini M.CC.L.VI°.

Et ſciendum eſt, quod dictus vicarius et ſucceſſores ſui omnia onera ordinaria conſueta et debita ſuſtinebunt. Ex præcepto autem epiſcopi et de conſenſu partium, poſt conſignationem hujus literæ fuit iſta clauſula appoſita. *(Regiſtr. Wetheral.)*

In

In 1561, *John Smith*, chaplain to biſhop Beſt, was collated to the vicarage of *Bondgate*, being then vacant by non-payment of the queen's ſubſidy by *George Lancaſter* the late incumbent.

In 1569, on the reſignation of John Smith, *Gregory Scot*, chancellor of the dioceſe, and prebendary of Carliſle, was collated by the ſame biſhop.

In 1576, on Gregory Scot's death, *Thomas Burton* was collated by biſhop Barnes.

In 1579, *Thomas Fairfax* was collated by biſhop May.

In 1582, on the reſignation of Thomas Fairfax, *William Porter* was collated by the ſame biſhop.

In 1611, on the death of William Porter, *John Teaſdale*, M. A. was collated by biſhop Robinſon. And after him, one *John Spencer*, M. A.

In 1634, *Robert Symſon*, M. A. was collated by biſhop Potter, and in the ſame year alſo to Ormſhead.

In 1661, on the reſignation of the ſaid Robert, (who ſeems to have held through all the changes of times, and was afterwards preſented to Marton, probably upon this reſignation) his ſon *Barnaby Symſon*, M. A. and ſometime fellow of Queen's college in Oxford, was collated; who alſo afterwards ſucceeded his father at Ormeſhead, and laſtly at Marton. He continued rector of this pariſh and Marton upwards of 50 years; and dying in 1712, was ſucceeded in this pariſh by *James Cock*, B. A. being collated by biſhop Nicolſon.

In 1738, on the death of James Cock, *John Hill* was collated by biſhop Fleming.

The before-mentioned counteſs of Pembroke, amongſt her other benefactions, raiſed this *church* out of its ruins. In remembrance whereof, the following inſcription was cut in wood between the chancel and the body of the church: "The right honourable the lady Anne Clifford, counteſs dowager of Dorſet, "Pembroke, and Montgomery, repaired this church, A. D. 1658."

There is a large vault on the north ſide of this church, the ancient burying place of the Hiltons of Hilton in this pariſh.

Belonging to this church was anciently a *chantry* founded by Sir William Engliſh.—In the town cheſt of Appleby there is a leaſe in the 7 Ed. 4. granted to John Dey of a tenement and garden in Appleby, by Sir James Harrington patron and John Winton chaplain of the chantry of Sir William Englys knight.

And in the next year there is a leaſe of a burgage in Appleby to Gilbert Brown, granted by the ſaid John Winton, ſtyled chaplain of the chantry of the virgin Mary in the church of St. Michael Appleby.

Part of the tenements in Bongate are freehold; but the greater part cuſtomary.

Proceeding northwards from Bongate, we aſcend *Battlebarrow*, which ſufficiently denotes from whence it derived its name. But what particular battle

was fought there, no tradition informs us. In ſome of the Latin inſtruments, this ſtreet is called *Vicus del Fyte.*

At the furtheſt part thereof, on the weſt ſide, is an houſe which was built out of the ruins of an ancient *friery*, that ſtood behind the oppoſite row of houſes, where the ground adjacent ſtill carries that name. And it ſeems to have been dedicated to the virgin Mary, becauſe there is a well that ſprings out of thoſe grounds called Lady-well. They were of an order of white friers; and the friery was founded in the year 1281, by the lords Clifford, Percy, and Veſcy *.

In a bill of expences of the funeral of one Guy Nelſon, about the reign of king Henry the eighth, are theſe Items: To ſex prieſtes 2*s* 2*d.* For proving the teſtament 3*s* 4*d.* Making it 4*d.* Item, to the prior of freers for fraternyte 1 *d* †.

In the 28th of the ſame king, Thomas Blenkinſop of Helbeck eſquire gave by his will 6*s* 8*d* to the fryars of Appleby.

After the diſſolution, in the 35 Hen. 8. the king granted to Chriſtopher Crakanthorpe of Newbiggin eſquire, the houſe and ſite of the late priory of Friers Carmelites, commonly named the white friers within the town of Appleby, with two gardens and one orchard by eſtimation an acre and an half, and the toft late the cemitery of the ſaid late priory by eſtimation one rood, and other lands in the pariſh of Bongate belonging to the ſaid priory to the amount of 20 acres or thereabouts. The purchaſe money for this, and Hale Grange, and the manor of Hardendale and Waſdale, was 255*l* 3*s.*

Advancing further towards the north weſt, in the way to Crackenthorp, we came to the ground called *St. Nicholas*; which belonged of old to a little *hoſpital* of that name: It ſtood where the farm-houſe ſtands now.

John de Veteripont gave this hoſpital to the abbey of Shap. Which donation was confirmed by Walter biſhop of Carliſle; upon condition, that they ſhould maintain there three lepers commonly called lazars for ever ‡.

In the 5 Ric. 2. Roger de Clifford gave licence to the monks of Hep, to incloſe a piece of ground in the fields of St. Nicholas.

* Tanner, 588. † Id.

‡ The hoſpital alſo of St Leonard nigh Kendal was eſtabliſhed for the maintenance of lepers. This diſorder ſeems to have prevailed in certain countries and at certain times more than others. Anciently in this realm, there was a legal proviſion for removing of lepers apart from the reſt of the ſociety; there being in the regiſter of Writs the form of a writ *De leproſo amovendo.* Perhaps the greater cleanlineſs of modern times may have contributed to abate the rigour of this diſtemper; as alſo the change of food, by the diſuſe in a great meaſure of ſalted proviſions. At the time of theſe charitable inſtitutions, there were few or no incloſures in this realm, except only for deer; and no hay or other provender laid up for the fattening of cattle in winter: but they killed and ſalted their cattle and ſheep at the beginning of winter, before they became lean upon the common paſture. In ſome parts of the kingdom, and particularly in this county, there are yet ſome remains of this practice in ſalting up about Martinmaſs-tide their beef for winter proviſion; and perhaps this may be one reaſon of the itch or ſcurvy ſometimes prevailing amongſt the poorer ſort of people: as in an higher degree, in long ſea voyages, the neceſſary uſe of ſalted proviſions occaſions dreadful ravages, by the ſcurvy.

After-

After the diſſolution, king Henry the eighth, in the 36th year of his reign, granted to Thomas lord Wharton, all that the hoſpital of St. Nicholas nigh Appleby, with all the poſſeſſions and revenues thereto belonging.

In the 12th year of king James, Philip lord Wharton and Sir Thomas Wharton knight his ſon and heir apparent, for the conſideration of 700*l*, ſold to Iſrael Fielding of Starforth in the county of York gentleman, all that the late diſſolved hoſpital, farm, or grange, of St. Nicholas near Appleby, late belonging to the monaſtery of Shap, and all the meſſuages and lands thereto belonging, or enjoyed therewith for 40 years next before.

And in the year 1652, Anne counteſs of Pembroke purchaſed the ſaid farm of William Fielding eſquire; and ſettled the ſame upon her hoſpital at Appleby as aforeſaid.

CRACKENTHORP.

Deſcending further, on the north ſide of the river Eden, we come to Crackenthorp, which ſeems to have received its name from ſome rookery there; for *crake* to this day, amongſt the country people, is uſed to ſignify a rook or crow.

The Machels ſeem to have continued and reſided at this place, longer than any one family of note at any other place in the county. Above the degree of yeomen always; and ſeldom or never aſcending to the degree of knight. Eſquires or gentlemen conſtantly; and peculiarly remarkable in all generations for a brave and martial ſpirit: To which, even their family name might ſome little contribute. The name was frequently written of ancient time *Mau-chael*, *Malchael*, and when latinized *Malus Catulus*. And the reverend Thomas Machel (whom we have often had occaſion to mention with honour in theſe memoirs, and who was a younger brother of this family) obſerves, that before the holy war they ſealed with a ſingle Indian dog (as he calls it), *ex græco et tigride nato*; in a rampant poſture, having a forked tail: and were called *Mali Catuli*, either becauſe the firſt of that name had deſtroyed ſome ſuch noxious beaſt, or (which indeed is more likely) was generally of a warlike diſpoſition.

The ſaid Thomas Machel goes farther, and ſuppoſes that they may be deſcended from the Catuli amongſt the ancient Romans. But, without the help of conjecture, it is evident, that this was a name at the time of the conqueſt. In thoſe parts of Weſtmorland and the adjoining places which we have had occaſion to take notice of, as mentioned in Domeſday, we find, "*In Loneſdale et Cocreham habuerunt* Ulf *et* Machel *duas carucatas terræ ad geldum.*" This the ſaid reverend gentleman would have been pleaſed to have diſcovered, in honour of the antiquity of his name. Whether *Ulf* and *Machel* had any cognation, we cannot preſume to determine. *Ulf* is no other than *Wolf* latinized, which is a name ſtill in uſe; and the impreſſion of the ſeal at Crackenthorp which Mr. Machel deſcribes, bears a ſtriking reſemblance of that animal.

Mr. Machel ſuppoſes that *Whelp caſtle* at Kirkby Thore might receive its name from this family; and that the family of *Whelpdale* alſo may poſſibly have

have ſome connexion therewith. And there is indeed (beſides the name) this reſemblance, that the three greyhounds (improperly, as it ſeemeth), which the Machels now bear inſtead of the aforeſaid fierce animal, are the arms alſo of the family *de Whelp-dale*.

There was one *Liulf (L'Ulf)* of Kirkby Thore, who gave lands there to the abbey of Holme Cultram in the reign of king Henry the ſecond.

Alſo one Waldeve ſon of Gamel ſon of *Whelp* gave lands there to the ſaid abbey.

And there is a confirmation by king Henry the ſecond of a grant of lands at Crackenthorp to the priory of Carliſle, which had been given by *Halth le Malchael* and Eva his wife. Which particle *le* ſeems to imply that *Malchael* (Malus Catulus) is a ſurname deſcriptive of the perſon; as when we ſay *Ulf le Malchael* (for inſtance), it will ſignify in plain Engliſh *Wolf that miſchievous whelp*.

There is no regular pedigree or ſucceſſion of the Machel family. They were very numerous, and diſperſed into many branches: which diſſipated partly the eſtate, and renders it impoſſible at this diſtance of time to deduce the inheritance in a direct lineal ſucceſſion. What follows we have digeſted in chronological order, chiefly from the copies or extracts of the family writings made by the ſaid Mr. Thomas Machel, which take up near half of his fifth volume.

1. The firſt of the name that hath occurred at Crackenthorp is the ſaid *Halth de Malchael*, who (together with his wife as aforeſaid) gave to the priory of Carliſle, probably at the foundation thereof, 15 acres of land by the bank of Truttebeck, and a meadow of the land of Crackenthorpe in Ellertker upon the banks of Hedene and of Truttebeck. And there was a grant alſo to the ſame priory, by *Humphrey Malchael*, of one third part of the church of Lowthere.

2. About the 26 Hen. 2. *Willielmus Malus Catulus* grants to *Galfridus Malus Catulus* certain lands at Crackenthorp, rendring to him yearly one pound of pepper or eight pence; and doing for the ſame foreign ſervice to the king as much as appertaineth. And if the ſaid *Galfridus* or his heirs ſhall forfeit to any one in word or deed that is not blodwite, they ſhall pay 6*d*, and make ſatisfaction to the party injured: And if it be blodwite, they ſhall pay 12*d*, and alſo make like ſatisfaction.

3. Towards the latter end of the ſame king's reign, *John Mauchael* was witneſs to a grant of lands to the abbey of Holm Cultram, by Adam ſon of Liulf of Kirkby Thore.

About the ſame time *Galfridus Malus Catulus* granted lands at Crackenthorp to Alexander de Crackenthorp.

4. In the 7 Ric. 1. There was an exchange of lands at Croſſebi and at Loudre, between Henry de Wichenton and Galfridus Malkael.

5. In the time of the ſaid Richard the firſt, *Roger Machel* (whom the Machels claim to be of this family) was lord keeper of the great ſeal, and was drowned on the coaſt of Cyprus, as he attended the king to the holy land.

It is ſaid, there is a place at Crackenthorp called from him Rogerheved, Roger-head or hill.

6. *John Mauchael* was witneſs to the grant of the advowſon of the church of Kirkby Thore by Adam de Kirkby Thore to Robert de Veteripont, who lived in the reign of king John.

And the ſaid *John Mauchael* (as it ſeemeth) was witneſs to a grant of lands at Appleby by John de Veteripont ſon of the ſaid Robert to Norman de Redman.

7. In the reign of Hen. 3. *William Mauchael* granted to his brother *Alexander Mauchael* certain lands at Crackenthorp: And on the ſeal of this grant is the aforeſaid rampant beaſt (of whatever ſpecies it might be).

8. In the reign of the ſaid king Henry the third, *John Mauchel* ſon of Alexander made an agreement with *William* ſon of *William de Crackenthorp*, concerning the moulter of the corn-mill there.

9. In the reign of Ed. 1. *John Mauchel* of Crackenthorp was witneſs to ſeveral deeds executed at the county court at Appleby. And in the 20 Ed. 1. he was a juror at Appleby between the king and the abbot and convent of St. Mary's York, concerning the advowſon of the two churches at Appleby.

10. By an inquiſition in the 3 Ed. 2. and another in the 8 Ed. 2. it appears, that *Thomas Mauchell* then held Crackenthorp under the Cliffords; the wardſhip whereof, when it ſhould happen, was *13l 6s 8d* a year, and the cornage *6s 10d.*

11. In the 43 Ed. 3. by inquiſition, *John Mauchell* then held Crackenthorp.

12. In the 20 Ric. 2. *John Mauchell*, granted lands at Crackenthorp to his ſon *William*, on his marriage with Margaret daughter of William de Thorneburgh.

13. In the 10 Hen. 5. By inquiſition after the death of John lord Clifford, *John Machell* ſon of *William* then held the manor of Crackenthorp; which *John* died in the 1 Ed. 4. leaving a ſon and heir *John*, being then above the age of 21 years.

14. In the reign of king Henry the ſixth, two of the Crackenthorps of Newbiggin were ſlain in the battle of Towton-field, amongſt many of the northern nobility and gentlemen. And it is probable the Machels of Crackenthorp then ſuffered likewiſe; for we find a pardon by king Ed. 4. of this ſame *John Maychell.*

15. In the 1 Hen. 8. there is a like pardon of *Hugh Machell* ſon of *John*; which although very full and comprehenſive, including treaſons, murders, and other felonies, yet ſeems to have been only upon a particular occaſion, namely, on account of the eſcape of one Henry Parker; for he is ſtyled in the ſaid pardon Hugh Machell of Crackenthorp gentleman, otherwiſe called Hugh Machell one of the manucaptors of Henry Parker.

This *Hugh* had a brother *Guy Machell*, which *Guy* ſeems to have been the elder brother. In the 5 Hen. 8. there was an indenture made between the ſaid *Guy* and *Hugh*, that "if it fortune oder of theme to be ſpendit in the

" king's warres now at this tyme in his noble vayege, or at any oder ſyke lyke " vayege, that then the overliver of theme ſhall ſuffer [*i. e.* forbear] to mak " any entre to any part of the londs and tenements that was his broder's ſo " being ſpendit, unto the ſpace of two yers then next enſuing; ſo that all " the fermes and profetts ſhal cume and be peaſſabilly receyved to the behuf, " fynding, and ſeting-of the pure childrin that are cummyn of him ſo ſpendit " and faderleſs; in ſymblable maner as their fader *John Machell* dyd unto his " childrin."

In the ſame year the ſaid *Hugh* had beaten the chantry prieſt of Appleby; and there is an award thereupon, ſetting forth, that whereas Sir Henry Smyth the chauntry prieſt of Appleby was beaten, hurt, and maimed by *Hugh Machell* of Crakanthorp gentleman, and the ſaid parties had bound themſelves by their faith and troth to abide the award of Sir Stephen Ellis parſon of Skipton, Ambroſe Crackenthorp of Howgill eſquire, Sir Alexander Hall vicar of Morland, and John Tillotſon bailiff of Carleton in Craven, the ſaid arbitrators do thereupon award, that the ſaid Hugh ſhall pay to the chantry prieſt 40*s* a year [a large ſum in thoſe days] during his life, the payment to be made in the church of St. Laurence Appleby upon the altar of St. Nicholas the confeſſor, or to the ſaid Henry in Appleby when the payment is ready: Provided, that if the ſaid Hugh or any for him can provide a better thing for the ſaid Sir Henry, of which the ſaid Sir Henry ſhall hold him contented, then the ſaid payment from thenceforth to ceaſe.

In the 7 Hen. 8. the aforeſaid *Guy* farmed Colby Layths; and he had a diſpute with the vicar of Appleby concerning the tithes, which was compromiſed by the mediation of *Dr. Machel* prebendary of York.

In the 10 Hen. 8. the mayor, bailiffs, and commonalty of Appleby grant to Leonard Langhorne chaplain, in conſideration of his teaching ſchool there, two chantries in the church of St. Laurence and one in St. Michael's; to which grant were witneſſes (amongſt others) *Roland Machell*, *Hugh Machel*, and *Edmund Machell*.

In the 11 Hen. 8. there is an entry of ſeveral payments made by Sir Richard Garnet, vicar of St. Laurence Appleby, to *Roland Machell*, *Edmund Machell*, *Nicolas Machell*, *Brian Machell*, and *Jacob Machell*.

In the 13 Hen. 8. there is a ſubmiſſion to an award, between Thomas Harryſon of Appleby yeoman, and *Hugh Machell* of Crakanthorp gentleman, upon all matters depending in traverſe between the ſaid parties, concerning the diſtribution of the goods and chattels of the ſaid Sir Richard Garnet deceaſed.

In the 21 Hen. 8. *Guy* ſuffered a recovery to cut off the intail; and there was a ſettlement to *Guy* for life, to *Hugh* his brother for life, then to *Thomas* ſon of *Guy* and his heirs for ever, of the eſtates at Crakanthorp, Keſliff, Appulby, and Brampton in Weſtmorland, and at Laſingby and Kirk Ouſwald in Cumberland. This ſettlement was conteſted by *Richard* ſon of *William Machell*, couſin and heir (as he ſet forth in his claim) of *John Machell* deceaſed. But it was decreed againſt him.

In the 22 Hen. 8. there was an award between the ſaid *Guy* and *Hugh*, by Thomas Dudley and Richard Briſcow eſquires, Robert Clibborne and Ambroſe Machell gentlemen, with the umpirage of Thomas Blenkinſop and Gilbert Wharton eſquires; concerning an iſland ſuppoſed to belong to and go in leaſe always with the mill, and for the killing and hurting of divers ſwine of the ſaid *Guy* by the children and ſervants of the ſaid *Hugh*, for eating and deſtroying the corn and graſs of the ſaid *Hugh*: Which ſaid arbitrators, having firſt determined concerning the iſland, proceed as to the ſwine, and award, that the ſaid *Hugh* ſhall for the ſaid treſpaſs lay down before the arbitrators the ſum of 3*s* 4*d*, for the uſe of the ſaid *Guy*; and for the more amity to be had between the parties, they do award, after the receipt of the ſaid ſum of 3*s* 4*d*, that the ſaid *Guy* ſhall give back again the ſaid ſum to the ſaid *Hugh*; and for all other treſpaſſes in corn or graſs, or any unkindly or unlawful words ſpoken by the ſaid *Guy* or *Hugh*, or by the wives of the ſaid *Guy* and *Hugh*, or any of their children, they do award the ſame clearly to be laid aſide, without any amends or report thereof to be made in reproach or hurt of any of them.

Two years after this, there was another arbitration between the ſaid parties about the mill, by the right reverend Richard Ewynwod abbot of Shape, William Pykering eſquire, Robert Clibburne and John Hoton gentlemen: Who by their award determine certain diſputes about the mill at Crackenthorp, which *Hugh* had in leaſe from *Guy*; and that both the ſaid parties releaſe to each the ſureties of the peace which they had each againſt the other.

In the 28 Hen. 8. the ſaid *Guy* made his will; which, as it ſhews perfectly the faſhion and manner of thoſe times, is here inſerted at length: "In the "name of God, Amen. The 24th day of the month of October, year of "our Lord God 1536. I Guy Machell of Crackenthorpe, ſick of my body, "whole and perfect of my remembrance, in this manner and form following "make my laſt will and teſtament. Firſt, I give and bequeath my ſoul to "almighty God, to our bleſſed lady clean virgin, to all the company of "heaven; and my body to be buried within the church of St. Michael of "Appleby. Alſo I give and bequeath for the portion of my mortuary 3*s* 4*d*. "Alſo I give and bequeath for my forgotten tithes, my ſoul to be diſcharged "of the church 20*d*. Alſo, if the ſaid gift and legacy for the portion of "my mortuary be not ſufficient to the vicar, then I will, on inventory of all "my goods to be made by four ſworn men prized and valued, that which the "law requireth to be fully and truly paid. Alſo I give and bequeath to my "ſon *Thomas Machell* my beſt jack *. Alſo I give and bequeath to my ſon "*Henry Machell* my beſt ſteel coat, with my beſt ſword. Alſo I give and be-"queath to my ſon *Edward Machell* my other ſteel coat, with one other ſword. "Alſo I give and bequeath to my ſon *Leonard Machell* one baſlaerd †. Item, "I give and bequeath to my ſon *Guy Machell* one little ſword. The reſidue

* *Jack*, was a kind of defenſive coat armour worn by horſemen in war, not of one ſolid piece, but of ſeveral ſquare pieces of ſteel, ſcaled fiſh-like, and covered over with leather. Leather doublets, being leſs and lighter, are called *jackets*, a diminutive from *jack*.

† *Baſlaerd*; a poniard, or dagger.

"of

" of all my goods, moveable and unmoveable, not given and bequeathed be-
" fore, my funeral expences and debts paid, I give and bequeath to my wife
" *Margaret Machell*, and to my ſons *Henry Machell*, *Edward Machell*, *Leonard*
" *Machell*, *Guy Machell*, *Wylfryde Machell*, *Gyllys Machell*, *Myghtſell Machell*,
" *Robert Machell*, and to my daughter *Anne Machell*; whom I order and make
" my true executors, to diſpoſe for my ſoul's health, as they think beſt to
" pleaſe God and comfort to my ſoul. Alſo I will that all my goods move-
" able and immoveable remain whole together, under the government and
" rule of my wife Margaret, without any diviſion, parts, or portions, till the
" youngeſt of my forenamed ſons come and be of perfect age and diſcretion;
" and then by the ſight of friends the goods left and unſpended to be divided
" by even portions to my wife, ſons, and daughter aforenamed. Alſo I make
" and order ſupervisors of this my will the right honourable the lord Henry
" earl of Cumberland, his honourable ſon lord Henry Clifford, and my right
" worſhipful friend Sir Thomas Ch——— knight; deſiring of them all to ſee
" that my wife and ſons aforenamed executors be not hurt ne harmed with
" wrongs; but that they help and aid them in right, for the love of God, as my
" great truſt is therein. Records of this my laſt will and teſtament, Thomas
" Hyll, John Shepperth, Henry Nelſon, with others more."

16. *Guy* died ſoon after the making of this will. And within a year afterwards, the aforeſaid Dr. *(Henry) Machell* died at Donnington: And *Hugh Machell* his brother claimed his effects as next of kin.

In the 30 Hen. 8. On a diſpute between *Hugh Machell* of Crakanthorp gentleman, and John Richardſon of Scattergate; a commiſſion was iſſued out of chancery, directed to *Ambroſe Machell*, Henry Barton, and Thomas Roſe, gentlemen, to make inquiry and ſettle the diſpute about a houſe in Batelbarghe.

In the 38 Hen. 8. a marriage ſettlement was made by *Hugh* who had the eſtate for life, and *Richard Machell* who had the reverſion after *Hugh*'s death. *Richard Machell*'s ſon *John* was to marry *Elionore Machell* daughter of *Hugh*, if the law of the church would permit. The marriage took effect, and they had ſome lands ſettled upon them at Crakanthorp and Layſenby.

17. In the 2 and 3 Ph. and Mary, there was a diſpute between the ſaid *Richard* and *Henry Machell* his brother. *Richard* diſtrained the goods of *Henry* and of divers others, for greenhue, boon days, and other ſervices. This produced ſeveral riotous and tumultuous proceedings. Whereupon Henry, by *ſupplicavit* to the court of chancery prayed ſureties of the peace againſt the ſaid *Richard Machell* gentleman, *George Machell*, *John Machell*, *John Machell* the younger alias *Colſton*, and five others. Theſe differences were afterwards referred to Thomas Sandefurthe, Richard Salkelde, Thomas Fallowfelde, and Thomas Wybarr, eſquires.

In the next year, the ſaid *Henry Machell* had a ſuit in the court at York for the northern parts, againſt *George Machell*, *Barnaby Machell*, *Nicolas Machell*, and four others, for ploughing up his ground and other riotous proceedings: Which diſpute alſo was compromiſed by arbitration; and the defendants were bound not only to abide the award of the arbitrators, but alſo in the mean

time not to meddle with any ground within the tenement of the ſaid *Henry Machell*, nor otherwiſe to moleſt him concerning the ſame *.

18. In the 4 and 5 Ph. and Mary, *Richard Machell* of Caldbeck in the county of Cumberland gentleman, by indenture, bargained and ſold to Richard Lowther of Lowther eſquire, the wardſhip, cuſtody, and marriage of *Hugh Machell* ſon and heir of *John Machell* deceaſed; and if the ſaid *Hugh* ſhall die before the ſaid Richard Lowther ſhall have beſtowed him in marriage, or before he accompliſh his full age of 21 years; then the ſaid Richard Lowther to have the wardſhip, cuſtody and marriage of *Anthony Machell*, one other of the ſons of the ſaid John Machell deceaſed; and if Anthony ſhall die, then of the next heir of the ſaid Anthony; and ſo from one to another, until the ſaid Richard Lowther ſhall have had the marriage and other full profits, according to the meaning of the ſaid indenture. The ſaid Richard Lowther to have and enjoy the manor and manſion-houſe at Crackenthorp and other eſtates in Cumberland and Weſtmorland of him the ſaid Hugh, during the ſaid time, paying to the ſaid Richard Machel 10*l* yearly, and to find and provide for the ſaid Hugh, or ſuch other as aforeſaid during the ſaid time, ſufficient and convenient meat, drink, apparel, and other neceſſaries meet and requiſite to the ſtate and degree of the ſaid Hugh and ſuch other as aforeſaid, as to reaſon ſhall appertain, at the diſcretion and worſhip of the ſaid Richard Lowther.

19. In the 16 Eliz. *Barnaby Machell* was appointed in the charter of foundation one of the firſt governors of Appleby ſchool.

20. The next of the family that hath occurred was *Lancelot Machel* eſquire. He had two ſons, *Hugh* the elder; and *Thomas* above mentioned, who was ſometime fellow of Queen's college in Oxford, fellow of the royal ſociety, rector of Kirkby Thore, and chaplain in ordinary to king Charles the ſecond.

27. *Hugh Machel* of Crackenthorp eſquire, ſon and heir of Lancelot. His brother Thomas records of him, that though he was of little ſtature, yet he inherited the family ſpirit, of which he gives two inſtances: The one was at

* It is matter of curioſity to obſerve the form of addreſs to that court: —— "To the King and "queen, &c. In moſt humble manner complaining, ſheweth unto your highneſs and your ſaid council, "your daily orator Henry Machell of Crakynthorpp in your county of Weſtmorland gentleman, "that whereas your ſaid orator is lawfully poſſeſſed, of the dimiſſion and leaſe of one Thomas "Machell, of and upon one houſe or tenement called Ryecloſe houſe, with certain arable land, "meadow, paſture, and common, with the appurtenances, in your county aforeſaid, for the term "of certain years yet enduring; ſo it is, moſt dread ſovereign lord and lady, that about the feaſt of "St. Luke the evangeliſt laſt paſt, in the third and fourth years of your majeſties reigns, one George "Machell of Crakynthorpp in your county aforeſaid gentleman, accompanied with divers other "perſons by his commandment and procurement, to the number of ſix perſons and more to your "ſaid orator unknown, unlawfully aſſembled together in riotous manner, againſt your grace's laws "and peace; and, in the night ſeaſon, did not only enter to one parcel of arable land called "Windyke, and the ſame with ploughs rive up and plow unmanured, ſo that the ſame is deſtroyed "this year that it cannot bear corn, but alſo on the morrow after with like force came again with "many other perſons in like riotous manner, and broke open the walls and doors of the ſaid Rye-"cloſe houſe, and the goods therein caſt out at the doors and ſpoiled; to the perilous example of "all ſuch like offenders, and the extreme loſs and damage of your ſaid orator, to the value of 20 "marks. May it therefore pleaſe your majeſties to grant your grace's letters miſſive unto the ſaid "George Machell perſonally to appear to anſwer the premiſſes, for the love of God and charity."

Brough,

Brough, when was he yet but young. Upon Mr. T——'s offering to ſend a challenge by him unto his father, Hugh took him in hand himſelf, and beat him ſo as to end the controverſy without further trouble. The other inſtance was near Marton church, in the year 1688; where being challenged by his couſin W. S. he broke his adverſary's ſword in the combat, and thereupon threw away his own, ran in upon his adverſary, ſtruck up his heels, and gave him that life which he would not aſk.

28. *Lancelot Machel* eſquire, ſon of Hugh. He was humane, gallant, honourable, and univerſally reſpected; and died at Crackenthorp in the year 1767, in the 88th year of his age; having been many years ſheriff of the county under the right honourable the earl of Thanet.

He was ſucceeded by his ſon and heir,

23. *Richard Machel*, M. A. the worthy rector of Aſby and of Brougham, now living (*viz.* in 1775); who has a ſon and heir apparent *Lancelot*, and other children.

The *arms* which they now bear (wherein they have deviated from the original, as having little connexion with the *Malus Catulus* of old) are; Sable, three greyhounds courant Argent, collared Or.

The *manor houſe* is an handſome building, beautifully ſituate, with fair fields behind it down to the river Eden.

At a place called *Chapel-hill*, there are the ruins of an ancient *chapel* dedicated to St. Giles. And there is ſtill a place called *Chapel-garth*, and a well adjoining called *Chapel-well*. This chapel muſt have been very convenient to the neighbourhood, by reaſon of their diſtance from the mother church. Probably it might be ſupported from part of the tithes, whilſt the monaſteries ſubſiſted. The oblations at the ſaid chapel in the 26 Hen. 8. were valued at 15*s* a year.

Nigh the way-ſide, between Crackenthorp and Kirkby Thore, on the ſouth of the ancient Roman way, is a large Roman *camp*, 300 yards in length, and 150 yards in breadth; having three entrances on each ſide and at each end, with bulwarks before them. And at about a bow-ſhot diſtance, further by the way-ſide, is a ſmall *fort*, called *Maiden-hold*; which ſeems to have been as a guard houſe or watch tower belonging to the camp; and by its name may poſſibly have ſome relation to the *Maiden-way* at Kirkby Thore, and *Maiden-caſtle* upon Stanemore *.

At a place called Machel's bank, about ten yards from the Roman way, were diſcovered by ſome workmen caſting a ditch, three *urns*, with burnt bones and aſhes therein; contiguous to each other, in a triangular form, in the middle of a round pit of clay made for the purpoſe, about a yard deep, with the ſides perpendicular. And herein they were compaſſed and covered

* Machel.

with

with burnt bones and black aſhes, to within a foot of the ſurface of the ground, the remainder being cloſed up with earth. The urns were of a blackiſh ſort of clay, but ſofter than earthen pots are wont to be, for the ſherds would not ring. In the two largeſt were aſhes and bones; but in the leaſt, aſhes only. And about 40 or 50 yards diſtant from the former, by the way-ſide alſo, was found a pit of like form, full of aſhes and bones without any urns; which gave occaſion to the ſaid Mr. Thomas Machel to conjecture, that urns were a mark of diſtinction, for perſons of ſuperior quality.

HELTON BACON.

Towards the north-eaſt from *Crackenthorp*, we came to HELTON, by way of diſtinction called *Helton Bacon* (there being another *Helton* in the Pariſh of Aſkham). We cannot derive the name of this village from any *hill*, for of ancient time (ſo far as our materials extend) it is invariably written *Helton*. *Helle* ſignifies to *pour out*; as *Hellebeck* probably had its name from the torrent of water ruſhing down there. Which alſo may have been the caſe here at this place. But the preſent *artificial* torrent at *Helton Bacon*, by huſhing (as it is called) for getting lead ore, is not of any antiquity (ſo far as we can find), and ſeemeth not to have been practiſed in Weſtmorland till of late years. How far a right of *huſhing* can be now eſtabliſhed, independent of uſage and preſcription, it is not our province to inquire. But certain it is, that the thick mud, running down into the pure limpid ſtream of Eden, pollutes the water for many miles in its deſcent, and renders it leſs wholeſome to the cattle and alſo to the king's ſubjects, and baniſhes the fine trout for which Eden has been famous for ages.—But it is poſſible the word *Helton* here may have been only a contraction of *Hellerton*; for one of the firſt families of note which we find here did bear that name.

In the partition of the inheritance between the two daughters and coheirs of the laſt Robert de Veteripont in the 14 Ed. 1. were aſſigned to Idonea the younger daughter, the homage and ſervices of *Thomas de Hellerton*, *Robert de Bacon*, and others, for the manor of Helton.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Robert Bacon* and the heirs of *Andrew de Hellerton* then held *Helton*; the wardſhip whereof, when it ſhould happen, was worth 13*l* a year, and the cornage 13*s* 8*d*. This *Andrew de Hellerton* had the ſame by grant from his couſin *Thomas de Hellerton*. *Robert Bacon*, the owner of the other moiety, ſhews clearly how this Helton came by the name of *Helton Bacon*.

The ſaid heirs of *Andrew de Hellerton* were probably daughters. For in the 43 Ed. 3. *William L'Engleys* and *John de Appleby* held the *Hellerton* moiety, and *Adam Bacon* the other moiety.

In the 4 Hen. 4. *William Whapelote* and *Ellen* his wife in the right of the ſaid *Ellen*, and *Adam Bacon*, held the manor of Helton Bacon.—And from henceforth we hear no more of *Bacon*. But after this we find the manor in the hands of the *Heltons*; who came hither from Burton in the pariſh of Warcop,

cop, but probably (ſo far as one may judge from the name) had originally ſprung from this place.

In the 10 Hen. 5. after the death of John lord Clifford, *Richard Riſtwald* and *John Helton* held the manor of Helton Bacon.

In the 31 Hen. 6. *Richard Riſtwald* and *Thomas Helton* held the ſame. And two years after, we find *Thomas Helton* of Helton (by way of diſtinction, as it may ſeem, from Helton of Burton) was one of the coroners for the county of Weſtmorland.

In the 16 Hen. 7. *Richard Reſtwolde* (by way of ſettlement) conveyed to *John Withers*, *Chriſtopher Bainbridge*, *Nicholas Mayowe*, and *Richard Newport*, clerks, a moiety of the manor of Hilton Bacon.

And in the 16 Hen. 8. the ſurvivor *John Withers* conveyed the ſame to *Edward Hilton* of Bleachyndon in the county of Oxford clerk; who in the ſame year granted the ſame in truſt to *John Pantrie* and *Ambroſe Hilton* of Oxford clerks, *John Whelpdaile* of Penrith and *Richard Rigg* of Little Strickland gentlemen.

In the 19 Hen. 8. the ſaid *Edward Hilton* granted the ſame to *Robert Hilton* of Burton, and the ſaid truſtees releaſed their intereſt therein to the ſaid *Robert Hilton* accordingly.

In the 1 and 2 Ph. and Mary, *Thomas Helton* held the manor of Helton Bacon.

Next, we come to the pedigree certified at Sir William Dugdale's viſitation in 1664*, which proceeds as follows:

1. *Robert Hilton* of Hilton Bacon, in the reign of queen Elizabeth, married a daughter of Thomas Blenkinſop of Helbeck eſquire; and by her had iſſue, (1) Thomas. (2) Anthony, who died unmarried. (3) John Hilton of Gainsford in the county of Durham.

[*N. B.* Here ought to come in another *Thomas* (according to a pedigree by Sir Daniel Fleming, which ſeems more authentic) who married the widow of Brackenberg, whoſe maiden name was Bainbridge.]

2. *Thomas Hilton* of Hilton Bacon married Jane daughter and coheir of Reginald Hartley of Appleby; and died about the year 1632. They had iſſue, (1) George, who died unmarried. (2) Thomas. (3) Katherine, married to Brian Garnet of Kendal.

3. *Thomas Hilton* of Hilton Bacon married Elizabeth daughter of Thomas Sandford of Aſkham eſquire; and died in 1645. They had iſſue, (1) Robert. (2) Thomas. (3) George Hilton of Bongate. (4) Martha, married to Robert Collingwood of the county of Durham.

4. *Robert Hilton* of Hilton Bacon eſquire, aged 45 at the aforeſaid viſitation. He married Mary daughter of John Hilton of Hilton-caſtle in the county of Durham, commonly called baron Hilton. They had iſſue, John, Thomas, Robert, Elizabeth, Alice, and Mary.

* The pedigrees here and elſewhere, which were delivered in at Dugdale's viſitation, we have have from Mr. Machel, who had them from Dugdale.

John the eldeſt died without iſſue; for in the 28 Cha. 2. *Robert Hilton* of Durham eſquire and Mary his wife and *Thomas Hilton* of Murton gentleman, ſon and heir apparent of the ſaid *Robert*, infranchiſed divers cuſtomary tenements in Brackinber, Hilton Bacon, Ellerholme, and Bongate. Others of the tenements were infranchiſed by the Hiltons at different times. And finally, the manor itſelf and demeſne were ſold in the year 1696, to Sir John Lowther of Lowther: Except ſome lands which came by mortgage to lawyer Fletcher; and except a long leaſe of the royalties which had been granted to the duke of Bridgewater.

The *arms* of Hilton are; Sable, 2 ſaltiers in chief, and 3 annulets, 2 and 1, Argent. The creſt: On a wreath, a demigriffin.

The ancient *manor houſe* is now much in ruins.

Anciently, here was a *chapel*, about a quarter of a mile from the village; which is now intirely demoliſhed.

MURTON.

Next unto *Helton*, further towards the eaſt, is MURTON, that is, the *Moor-town*. There are many places of this name in the kingdom. *Morvil* is the ſame latinized.

By the inquiſition *poſt mortem* of the firſt Roger de Clifford, in the 11 Ed. 1. it is found, that he held in the right of his wife Iſabella, in the vill of Morton, one capital meſſuage of the value of 2*s* yearly, and one carucate of land in demeſne, which contains in it 120 acres of arable land, of which every acre was worth 8*d* yearly (ſaving the ſervice of the lords of the fee); 16 acres of meadow, worth 12*d* an acre yearly; 5 acres of wood, worth 6*d* an acre, without waſte: That there were ſix free tenants who paid 9*s* 4*d* yearly, and did ſuit at the court there from three weeks to three weeks: That he had there ten bondmen, each of whom held one oxgang of land, for which he paid 5*s* 11*d* yearly for all ſervices and burdens; except the aid at the feaſt of St. Michael, which was 26*s* 8*d*. And that the perquiſites of his free court in the ſaid vill were worth yearly 2*s*. And he held all the premiſſes of Baldwin Wak, by homage and foreign ſervice.

But in the next king's reign, we find the manor of Morton in the hands of the Muſgraves of Muſgrave, in which it continued for many generations. In the 8 Ed. 2. after the death of Robert lord Clifford, it appears, that Thomas Muſgrave, then under age and in wardſhip, held of the ſaid Robert, Great Muſgrave and Morton; the wardſhip whereof was worth 42*l* a year, and the cornage for both 1*l* 12*s* 4*d*.

And ſo it continued in the Muſgraves all along, till the 11th year of king James, when Sir Richard Muſgrave of Hartley-caſtle knight ſold the ſame to

Thomas Hilton of Hilton; who removed from Hilton to the manor houſe there.

The ſaid houſe, called Murton-hall, is ſituate under a high mount called Mellfell; and near to the remarkable hill, like a pyramid, called Murton Pike. It was a good old houſe and convenient; a ſpring of water running through it.

There was a chapel here formerly; the place being diſtant about three miles from the pariſh church.

Part of the demeſne lands were ſold by the Hiltons to lawyer Fletcher of Strickland: The reſt of the demeſne and manor were ſold to Sir John Lowther the purchaſer of many eſtates and manors in this county: in whoſe poſterity the ſame ſtill continue.

LANGTON.

Southwards again from Murton, and north-eaſt from Bongate, is LANGTON, which now lies chiefly in demeſne. It was purchaſed by Robert de Veteripont of Ada daughter of John Tallebois and widow of Robert de Cliveland, unto whom it had deſcended from her mother.

It ſeems to have been anciently well inhabited; and the name itſelf implies it, *Long-town*. And there ſeems to have been a church or chapel here, ſo far as we may judge from names; for there is a place called *Kirkbergh*, which is, and from ancient time hath been, held free and independent of the manor, except only the payment of 2*s* cornage.

By an inquiſition after the death of Roger lord Clifford in the 1 Ed. 3. it was found as follows:—At Langeton, the ſite of a certain manor burned by the Scots, worth nothing yearly for want of tenants, and by reaſon of the deſtruction made by the Scots. And there are 30 acres of demeſne land, which lie untilled for the reaſon aforeſaid, the herbage whereof is worth yearly 18*d*. Thirty oxgangs of land, which lie untilled for the cauſe aforeſaid, the herbage whereof is worth 15*s* 6*d* a year. Sixteen acres of demeſne meadow, worth yearly 3*s* and no more, for the too great abundance of meadow and paſture in thoſe parts. Four cottages, which yield yearly 2*s*. One water mill, worth yearly 13*s* 4*d*. Pleas and perquiſites of the court of Appleby and Langton, worth yearly 4*s*.

And after the death of John lord Clifford, in the 10 Hen. 5. the inquiſition finds, that at Langton there are 10 meſſuages, worth nothing in iſſues above repriſes; 40 oxgangs of land, at 3*s* 4*d* each; fourſcore acres of meadow, at 6*d* each; water mill, 13*s* 4*d*; one fulling mill, 6*s* 8*d*; one hundred and fourſcore acres of paſture at one penny each.

PARISH OF DUFTON.

DUFF was anciently a name in Scotland, and perhaps alſo in England. *Macduff* is a name well known; which means the ſon of *Duff*. And it is not improbable that *Dufton (Duff's town)* might be ſo called from ſome perſon of that name.

The pariſh of Dufton is bounded on the Eaſt by the pariſhes of Middleton in the county of Durham, Romaldkirk in the county of York, and Brough in the county of Weſtmorland; on the South, by the pariſh of St. Michael's Appleby; on the Weſt, by the pariſh of Marton; and on the North, by the pariſh of Alſton in the county of Cumberland, and the ſaid pariſh of Middleton. It contains in the whole about 63 families.

It is a rectory; valued at 19*l* 2*s* 6*d* in the king's books.

The church is dedicated to St. Cuthbert.

The patronage of this rectory was of ancient time in the barons of Grayſtock, and from them by marriage came into the family of Dacre, being alſo at the ſame time lords of the manor of Dufton; and the advowſon ſtill continues appendant to the ſaid manor.

The firſt of the Grayſtocks that we have met with, who had any connection with Weſtmorland, was *Thomas* baron of Grayſtock, who married Chriſtian daughter of the firſt Robert de Veteripont. And it is not improbable, that this might introduce him to Dufton and other places in Weſtmorland. For in the next generation but one, we find Dufton clearly in the hands of the Grayſtocks, and attended with circumſtances which imply that it had been in the family for ſome time before.

By the inquiſition *poſt mortem* of Robert de Clifford in the 9 Ed. 2. it appears, that *Ralph* ſon of *William de Grayſtock* held of the ſaid Robert the villages of Dufton, Brampton, Bolton, and Yanewich; the wardſhip whereof (when it ſhould happen) was worth 100 marks *per annum*, and the cornage 25*s* 6*d*.

By the inquiſition after the death of John lord Clifford in the 10 Hen. 5. it is found that *John de Grayſtock* ſon of *Ralph* held the manors of Dufton, Brampton, Bolton, and Yevenwith of the ſame John lord Clifford, with the ſame cornage as before.

Again, in the 31 Hen. 6. it is found by inqueſt that *Ralph* baron of Grayſtock held of the lord Thomas de Clifford, Yanwith, Bolton, Brampton, and Dufton; and that Lancelot Threlkeld held Yanwith of the ſaid Ralph, Nicolas Radcliff held Bolton, and Thomas Lancaſtre held Brampton, and that Dufton was in the hands of the ſaid baron himſelf.

In the 4 Ed. 4. after the death of the ſecond John de Clifford, this *Ralph* baron of Grayſtock held the ſame.

In the 2 Hen. 7. after the death of Ralph baron of Grayſtock, the inquiſition finds, that the ſaid Ralph died on Friday next after the feaſt of Penteceſt in the 2 Hen. 7. That on the day on which he died, he was ſeiſed of

Duffeton

Duffeton and the advowſon of the church there, holden of Henry lord Clifford, as of his manor of Appilby, by the ſervice of rendring to the ſaid lord 25*s* 6*d* yearly for cornage, and by ſuit to the county court at Appilby yearly from month to month: That *Elizabeth* is his kinſwoman and heir, namely, being daughter and heir of Robert Grayſtock knight, ſon and heir of the aforeſaid Ralph.

This *Elizabeth* was married to *Thomas* lord *Dacre* of Gilſland, and brought with her the inheritance into that family. By an inquiſition of knights fees in Weſtmorland in the 18 Hen. 8. it appears, that *William Dacre* knight, lord of Dacre, held then the manor of Dufton. And by a like inquiſition in the 1 & 2 Ph. & Mary, he appears then alſo to have held the ſame.

This family of Dacre ended in daughters coheirs. For *George* lord Dacre dying unmarried, the inheritance came to his three ſiſters. Of whom, *Anne* the eldeſt was married to *Philip Howard* earl of *Arundel*, eldeſt ſon of *Thomas* duke of *Norfolk*. And in the partition of the eſtate, Dufton fell to her purparty. She had a ſon and heir *Thomas* earl of *Arundel*; who had a ſon and heir *Henry* earl of *Arundel*, in whoſe time a leaſe of the lordſhip of Dufton for 99 years was granted to Sir *Chriſtopher Clapham* knight, in which leaſe the clauſe prohibiting waſte having been omitted, he cut down all the wood called Dufton wood, and ſold it for more than the whole purchaſe coſt him. The remainder of the term, and afterwards the perpetuity of the eſtate, was purchaſed by *John Winder* of Lorton in Cumberland, counſellor at law; who was ſucceeded by his ſon and heir *Williams Winder* eſquire; who, dying without iſſue, deviſed the ſame to the preſent owner *Edward Milward* eſquire, ſon of the reverend *Thomas Milward*, M. A. rector of Marton and of Kirkby Thore.

The ſucceſſion of *incumbents* hath been as followeth:

In 1293, Sir John de Grayſtock knight preſents one *Henry de Waleys* to the rectory of Dufton on the 30th of January, upon a vacancy by the death of Sir *Robert* the laſt rector there, who died on the Monday before St. Paul's day in the year aforegoing: Whereupon a *jus patronatus* was ordered, and (in the mean time) the cure committed to *William Boukes*. The conteſt ſeems to have been long, for the ſaid Henry had not inſtitution given before the firſt of July in 1298. And the iſſue of the cauſe appears in an entry of fines levied in the 27 Ed. 1. Between *Ralph* ſon of *William de Grayſtock* complainant, and *John* ſon of *William* deforciant, concerning the manor and barony of Grayſtoke in the county of Cumberland and the advowſon of the church there, and the manor of Dufton with the appurtenances and the advowſon of the church of the ſame manor in the county of Weſtmorland: The ſaid *John* acknowledged the right to be in the ſaid *Ralph* after the deceaſe of him the ſaid *John*, and he ſubmitted to hold of the ſaid *Ralph* during the life of him the ſaid *John*, and after his death the premiſſes to remain to the ſaid *Ralph* and his heirs.

In 1315, *Matthew de Redman* rector of Dufton had a diſpenſation of abſence, for the better following his ſtudies, for three years.

In

In 1324, *Roger de Kendal* (then only an acolite) was inſtituted into the rectory of Dufton, on a preſentation by king Edward the ſecond (in right of his ward William lord Grayſtock).

In 1340, on the reſignation of Sir *William Hawys* rector of Dufton, *Robert de Helton* was inſtituted on a preſentation by the lord Ralph de Nevil (who married the mother of the ſaid William lord Grayſtock).

In 1366, *William* ſon of *Robert de Threlkeld* was inſtituted on a preſentation by king Edward the third in right of his ward Ralph lord Grayſtock; on the death of *William de Brampton*, whoſe will was proved at Roſe in that year, whereby he bequeathed his body to be buried in St. *Cuthbert*'s church at Dufton.

In 1412, *Robert Coldall* was rector of Dufton; who in that year ſurrendred certain lands to Ralph baron of Grayſtock.

In 1449, a writ of poſſeſſion of the manor of Dufton and advowſon of the church there was granted to Sir John Grayſtock knight, alias John lord of Grayſtoke, during the minority of Elizabeth daughter of Robert ſon of Sir Ralph Grayſtock.

In 1566, on the death of *Roland Threlkeld* rector of Dufton, Sir *John Dent* clerk was inſtituted upon the preſentation of the lady Elizabeth Dacre widow.

In 1575, on the death of the ſaid John Dent, Sir *Chriſtopher Walker* was inſtituted on a preſentation by queen Elizabeth (in right of her ward George lord Dacre).

In 1625, on Walker's death, inſtitution was given to *Richard Burton*, M. A. preſented by the aſſignee of a grant of this avoidance from Anne counteſs dowager of Arundel.

In 1661, Sept. 27, *Simon Webſter* was preſented by Sir Chriſtopher Clapham knight.

In 1675, on Simon Webſter's death, *James Buchanan*, M. A. was inſtituted upon a preſentation by the ſaid Sir Chriſtopher Clapham.

In 1680, James Buchanan dying, *John Lindſey* ſucceeded; but his preſentation and inſtitution are not entred in the regiſter.

Upon the death of John Lindſey in 1728, *Williams Gibbon*, M. A. was inſtituted on the preſentation of Williams Winder eſquire.

In 1736, on the reſignation of Williams Gibbon, *Thomas Milward*, M. A. was preſented by the ſame patron.

In 1762, Mr. Milward reſigning, *William Kilner* clerk was preſented by the ſame Williams Winder eſquire.

Chriſtopher Walker, by his will in 1670, gave 40 *l*, the intereſt thereof to go to a ſchoolmaſter at Dufton, to be appointed by the rector, the lord's bailiff, and ſix ſufficient men of the town of Dufton.

And *Michael Todd* by his will charged his lands at Knowle Green in the pariſh of Staines in the county of Middleſex with 4 *l* a year to a ſchoolmaſter, to be approved of by the miniſter and churchwardens; 5 *l* to be diſtributed

on

on Michaelmaſs day yearly to the poor of the ſaid pariſh; 4*l* for binding out two poor boys, natives of the ſaid pariſh, apprentices yearly; 10*s* a year for a ſermon on the Sunday after Michaelmaſs day, and 20*s* yearly to 20 poor men who ſhall attend at the ſaid ſermon and divine ſervice.

PARISH OF MARTON.

I. *Pariſh of Marton.*
II. *Manor of Marton.*
III. *Manor of Brampton.*
IV. *Manor of Knock.*

I. PARISH OF MARTON.

DESCENDING from Dufton towards the weſt, we come to the pariſh of MARTON, which was anciently written *Merton*; and Mr. Machel ſuppoſes the ſame to be ſo called from a *mere* or lake at the north end of the town. It is commonly called *Long Marton*, not from its extraordinary length, as it ſhould ſeem, (for many other villages in the bottom of Weſtmorland are longer;) but more likely by way of diſtinction from ſome other place of the ſame name. But of ſuch other there is at preſent no appearance, unleſs we ſuppoſe *Murton* and *Marton* to have had originally the ſame appellation. It is once, in the biſhop's regiſter, called *Merton Parva*. But there is no judging what theſe places were formerly, by what they are now; nor yet what they were formerly at different periods. For the Scots made ſtrange alterations often in a very ſhort time. Even *Langton* (we have ſeen), which ſeems to have been called the *Long town* by way of eminence, is now no town at all: and we have ſhewed the reaſon of it.

The pariſh of Marton is bounded on the eaſt by the pariſh of Dufton, on the ſouth by the pariſh of St. Michael's Appleby, on the weſt by the pariſh of Kirkby Thore, and on the north by the pariſh of Alſton in the county of Cumberland: and contains in it three manors or lordſhips, viz. *Marton*, *Brampton*, and *Knock*; and in the whole about 173 families.

The church, according to Dr. Todd, is dedicated to St. *Margaret* and St. *James*.—Perhaps St. *James* may be the tutelar ſaint of the *church*. St. *Margaret* had a *quire* there dedicated to her, as appears by the laſt will and teſtament of Sir John de Morelaunde hereafter mentioned.

It is a rectory, valued at 21*l* 15*s* 7½*d* in the king's books; in the patronage of the right honourable the earl of Thanet, by hereditary deſcent from the Veteriponts and Cliffords.

In

In the reign of king Henry the ſecond, about the year 1170, we find one *John de Hardcla* rector of *Meretun*; who witneſſed a confirmation of grants to Shap abbey by Bernard biſhop of Carliſle.

In 1298, *William de Coumb*, rector of Merton, becoming blind; the biſhop appointed Mr. William Bouk to be his coadjutor. And the ſaid William de Coumb reſigning the next year, the lady Ydonea de Leyburn widow preſented *John de Medburn* a minor, who was to allow to the reſigning rector ſuch a penſion for life as ſhould be thought reaſonable by the ordinary. The biſhop committed the cuſtody of this infant to William de Brampton a prieſt; directing him to diſpoſe of the profits of the rectory in ſuch manner, as to provide for the ſupply of the cure, and the education of the ſaid John in ſome public ſchool of learning.

In the year 1330, being the 4 Ed. 3. that king, being in poſſeſſion of the eſtate of Thomas de Wake lord of Lydel, preſented *Thomas de Herewood* to the vacant rectory of Merton: by what title we have not found.

In the next year, we find one *Ralph de Malton* rector of Merton; who had a diſpenſation of abſence for two years, by reaſon of his attendance on the earl marſhall.

In 1334, Sir *John de Morelaund* prieſt was preſented by Robert de Clifford; and, on an inquiſition *de jure patronatus*, had inſtitution given to him. This ſame Sir John de Morelaunde, who is ſtyled rector of the church *de Parva Merton*, had a diſpenſation for 3 years abſence granted to him, and the like for 2 years afterwards.

In 1358, on the death of the ſaid Sir John de Morelaunde, inſtitution was given to Sir *William de Loundres*, preſented by Sir Thomas de Muſgrave knight, in right of his wife Iſabel relict and dowager of Robert de Clifford. On the ſame day, the laſt will and teſtament of the ſaid Sir John de Morelaunde was proved at Roſe; whereby he bequeaths his body to be buried in St. *Margaret*'s quire at Merton; his larger ſalver *(mazerium majorem)* to the friers Carmelites at Appleby, and his leſſer to the ſaid lady Iſabel de Clifford; and to the prior and convent of Carliſle 100*s*, for the praying for his ſoul and the ſouls of his kindred.

In 1362, the ſaid William de Loundres exchanged his living of Merton for the rectory of Adyngham in the dioceſe of York, with the conſent of the patrons and ordinaries: whereupon Sir *Robert de Wolſelay* was preſented to the rectory of Merton.

In 1369, *John Donkyn*, parſon of Merton, was a truſtee in the ſettlement of ſeveral eſtates in Weſtmorland.

In 1393, *Henry Kirkby*, parſon of Merton, was witneſs to an agreement concerning the chapel of Brougham.

In 1465, which was the 5 Ed. 4. the king granted to Anne his ſiſter the manor of Merton and the advowſon of the church there; the ſame being then in the hands of the crown by the attainder of John lord Clifford.

In 1476, *Edward Wherton*, rector of Merton, was a truſtee in the ſettlement of the Wibergh eſtate at Clifton.

In 1562, on the death of *William Bury* rector of Merton, *George Bury*, M. A. was inſtituted, on the preſentation of Henry earl of Cumberland.

In 1577, Mr. *John Baynes* was inſtituted, on the preſentation of Thomas Burton clerk and others, aſſignees of Anne counteſs of Cumberland.

In 1591, *Richard Burton* was preſented by George earl of Cumberland.

In 1640, on the death of Richard Burton, *Henry Hutton*, M. A. ſon of judge Hutton (a native of Penrith) was inſtituted; but no mention is made in the regiſter of the preſenting patron. He was alſo prebendary of Carliſle, and was ejected from his prebend by Cromwell's commiſſioners *, and ſeems to have died ſoon after.

The next incumbent ſeems to have been *Lancelot Lowther*, ſon of Sir Chriſtopher Lowther of Lowther. Which Lancelot died in 1661, being very old; it being then 54 years after the death of his father, who died at the age of 77.

On the death of Lancelot Lowther, *Robert Symſon*, M. A. was inſtituted, on the preſentation of Anne counteſs dowager of Dorſet, Pembroke, and Montgomery: Who was ſucceeded by his ſon *Barnaby Symſon*. On whoſe death in 1712, *Chriſtopher Grandorge* was inſtituted on the preſentation of Thomas earl of Thanet.

In 1726, on the death of Chriſtopher Grandorge, *Robert Leyborne*, M. A. was preſented by the ſame patron.

In 1730, on the reſignation of *John Middleton*, S. T. P. Sackville earl of Thanet preſented to the ſaid rectory the preſent incumbent † *Thomas Milward*, M. A. a gentleman of conſummate natural and acquired endowments. He is deſcended of Sir Thomas Milward before mentioned of Eaton in the county of Derby knight, whoſe ſon and heir William Milward of Chilcote in the ſame county eſquire married Chriſtian daughter of Sir Nicolas Tufton firſt earl of Thanet, by whom he had a ſon Thomas, father of the preſent rector of Marton, who alſo at the ſame time is rector of Kirkby Thore ‡.

The *church* is ſituate in the fields of Brampton, at a conſiderable diſtance from both Marton and Brampton; for the equal accommodation (as it ſeemeth) of both the ſaid villages.

On the ſouth ſide of the church, is an ile called Knock porch; built probably, as it may ſeem from the Cliffords arms in the window, by the patron for the uſe of the inhabitants of Knock; who had anciently a chapel near Dufton, in a place which ſtill bears the name of Chapel Flats.

Beſides the arms of the Cliffords, there are in the windows of the chancel the arms of Grayſtock, Dacre, Lancaſter, and Wharton; all of whom, in their ſeveral ages, had poſſeſſions in this pariſh.

* Walker's Sufferings of the Clergy. Part 2d, page 10.

† *N. B.* He died in 1775.

‡ In 1775, on the death of the ſaid Thomas Milward, his ſon *Joſeph Milward*, M. A. was inſtituted on a like preſentation by Sackville earl of Thanet.

II. MANOR OF MARTON.

The manor of Marton appears to have belonged to the Veteriponts. And by an inquiſition of waſte ſuffered by the prior of Carliſle, whilſt he was guardian of the laſt Robert de Veteripont, in the reign of king Henry the third, it was found, that at Merton certain ſheepfolds *(bercaria)* of fourſcore feet in dimenſion were alienated by the prior, and the park deſtroyed by dogs and nets, and want of incloſure; that the little vivary was deſtroyed, ſo that there was taken from thence as much as could be taken by nets; and the great vivary much impoveriſhed of great fiſh.

In the partition of Marton between the two daughters of the ſaid Robert, each of their ſhares was eſtimated at 13*l* 3*s* 5¼*d*: Beſides the advowſon of the church, which was eſtimated at 40 marks, when it ſhould be vacant.

In the 43 Ed. 3. the heirs of *Thomas de Wake* held the manor of Merton of Roger de Clifford, by homage and fealty, and 8*s* 6*d* cornage.

In the 15 Ric. 2. after the death of the ſaid Roger de Clifford, *John de Holland* knight held the ſame.

In the 10 Hen. 5. *John de Gray* knight and *Margaret* his wife, as of the right of the ſaid *Margaret*, held the ſame in like manner.

In the 31 Hen. 6. *Thomas Gray* knight, and afterwards in the ſame year *Thomas Salinger* knight held the ſame.

In the 18 Hen. 8. it was in the hands of the king: By what title we have not found.

Finally, this manor, like many of the reſt, came into the hands of the *Lowthers*, in which family it ſtill continues.

III. MANOR OF BRAMPTON.

Brampton is a long ſtraggling village, about a mile eaſtward from Marton.

There were ſeveral of the name *de Brampton* of ancient time; but none, ſo far as we have found, that was lord of the manor.

In the 3d, and again in the 8 Ed. 2. we find *Ralph* ſon of *William de Grayſtock* held of the Cliffords, Brampton, Dufton, Bolton, and Yanwich; the wardſhip whereof, when it ſhould happen, was worth yearly 100 marks, and the cornage 1*l* 5*s* 6*d*.

In the 10 Hen. 5. Sir *John de Grayſtock* knight held the ſame as above.

After this, we find Brampton in the name and family of *Lancaſter*, who are ſaid to have been a younger branch of the Lancaſters of Sockbridge. We find one *John de Lancaſter*, who held Brampton in the reign of Edward the fourth; his ſon *John* held the ſame in the reign of Henry the ſeventh; and *Edward Lancaſter* in the reign of Henry the eighth.

The

The *Lancaſters* held the ſame immediately of the *Grayſtocks*, and the *Grayſtocks* held over of the *Cliffords*. Thus, on a *Quo Warranto* brought againſt Henry lord Clifford in the 19 Hen. 7. the ſaid lord Clifford ſet forth, that John Lancaſter died ſeiſed of the manor of Brampton in the 10 Ed. 4. his ſon and heir John being then 30 years of age: That John Lancaſter the elder held the ſame of John late baron of Grayſtoke, by knights ſervice, to wit, homage, fealty, and ſcutage, namely, twenty ſhillings when ſcutage runs at forty ſhillings: That the ſaid baron of Grayſtoke held the ſame *ultra* of Henry lord Clifford by the like ſervices: That the ſaid John Lancaſter the elder died in the homage of the baron, and the baron died in the homage of the ſaid lord Clifford, the ſon and heir of the ſaid baron being then 22 years of age, who paid to the ſaid lord rent, homage, fealty, relief, and all other ſervices.

This family of *Lancaſter* ended in three daughters, in the reign of queen Elizabeth; the eldeſt of whom was married to *Birkbeck* of Hornby; the ſecond to *Backhouſe* of Morland; and the third to *Wharton* of Kirkby Thore. And thereupon the manor became parted into three portions. Mr. *Birkbeck* exchanged his ſhare with Henry earl of Cumberland for lands at Hornby; which part ſtill continues in his deſcendent the preſent earl of Thanet. The deſcendents of Mr. Backhouſe enjoy the ſecond part. And the third part, which belonged to the Whartons, hath been ſold to the tenants.

The ancient *manor houſe*, called Brampton-hall, was built anew by *Thomas Burton* eſquire, grandſon of Richard Burton aforeſaid, rector of this pariſh; which Thomas Burton was a juſtice of the peace for this county in the time of Oliver Cromwell, and was afterwards knighted by king Charles the ſecond for divers ſervices he had performed (though an Oliverian) to the royal party. The ſaid Sir Thomas Burton ſold the ſame to the anceſtor of the preſent *George Baker* of Ellemore-hall eſquire, who ſold the ſame to divers of the inhabitants, who demoliſhed the hall, leaving only ſo much remaining as was ſufficient for fitting up a farm-houſe.

IV. MANOR OF KNOCK.

Knock, anciently called *Knock Shalcock*, is a little village about a mile north from Marton. It belonged, amongſt the reſt, to the Veteriponts and Cliffords; and the firſt family that appears to have held the ſame under the Cliffords were the *Boyvils*.

In the 8 Ed. 2. *John de Boyvile* held Knock Shalcock; the wardſhip whereof was worth 13*l* 6*s* 8*d*, and the cornage 3*s* 4*d*.

In the 2 Ed. 3. *John de Boyvile de Knoke* held two parts of the manor aforeſaid of Roger de Clifford; *Robert* his ſon and heir being then 16 years of age.

In the 43 Ed. 3. *John de Rookeby* held the manor of Knock Salcock.

In the 15 Ric. 2. *William de Soulby* held the ſame.

In the 10 Hen. 5. *Thomas de Rookby:* And after him, *John Rookby* held the ſame; who had a daughter and heir *Joan* married to *John Lancaſter* of How-

gill knight, who in the 31 Hen. 6. held the manor of Knock in right of his ſaid wife.

The ſaid *John Lancaſter* of Howgill died without iſſue male, leaving four daughters coheirs. And in the partition of the eſtate, Knock was in the ſhare appointed for *Chriſtian* and *Elizabeth*; the former of whom was married to Sir *Robert de Harrington*, and the latter to *Robert Crackenthorp* eſquire.

After this, we find the manor of Knock in the Clifford family, perhaps by purchaſe from the ſaid coheirs; in which family it ſtill continues in the perſon of the preſent earl of Thanet.

The abbey of Shap had ſome lands here, given by John de Veteripont; which were parcel of the demeſne.

PARISH OF NEWBIGGIN.

THE pariſh of Newbiggin (*New-building*; *big* being a word not yet quite out of uſe, ſignifying to build) is a ſmall pariſh about three miles in compaſs, ſurrounded by the pariſh of Kirkby Thore, except only on the north where it joins to the pariſh of Kirkland in Cumberland, being ſeparated therefrom by a ſmall rivulet, which deſcends from the mountain *Croſsfell* (one of the higheſt mountains in the north, ſo called probably from a croſs erected thereupon by way of boundary between two pariſhes or lordſhips) which rivulet from its firſt riſing, until it fall into the river Eden, divides the two counties of Weſtmorland and Cumberland.

This pariſh contains only the townſhip of Newbiggin, and part of the hamlet of *Hale*, the grange whereof belonged heretofore to the abbey of Holm Cultram. Thus in the 10 Hen. 5. after the death of John lord Clifford, the inquiſition finds, that the abbot of Holme then held the grange of Hale, paying for the ſame yearly 13*s* 4*d*.

The *church* is dedicated to St. Edmund; and is a rectory, valued at 4*l* 14*s* 2*d* in the king's books, in the patronage of the lord of the manor. It has only about 11 acres of glebe land; and the tithe corn, it is ſaid, of the whole pariſh belongs to the lord of the manor by preſcription, under the yearly rent of 9*l* 6*s* 8*d*, and an horſe graſs to the rector: By what right, we preſume not to determine. From the ſmallneſs of the pariſh, and the comparative largeneſs of the preſcriptive rent, there is no room to ſuppoſe this to be a very ancient compoſition. And it hath no benign aſpect towards the patron, in preſcribing terms to his preſentee. Which yet is a caſe that frequently happens, where the lord of the manor is patron of the advowſon.

In 1759, Mrs. Deborah Crackenthorp gave 200*l*, whereby to procure an augmentation by the governors of queen Anne's bounty; wherewith an eſtate was purchaſed at Kirkoſwald, now of the yearly value of 20*l*.

The parſonage houſe is but an indifferent building; which ſtands at the north-weſt end of the village near the church.

The firſt grant that we meet with of the manor of Newbiggin (with the advowſon appendant) was from *Gamel* ſon of *Whelp*, to

1. *Robert, dapifer de Appleby*; who thereupon aſſumed the name of *Robert de Newbiggin.* Which grant *Waldeve* ſon of *Gamel* confirmed by deed to *Laurence* ſon of the ſaid *Robert*.

2. This *Laurence*, who lived in the reign of king Hen. 2. married a Wharton; which is ancienter than any account that we have met with of the Whartons of Wharton (much more, of the Whartons of Kirkby Thore). But at our firſt account of the Whartons of Wharton, in the reign of Edward the firſt, they were then a conſiderable family. So that this account (which in the preſent pedigree is chiefly taken from a manuſcript of Sir Daniel Fleming) may likely enough be right.

This *Laurence* ſon of *Robert de Newbiggin* gave lands at Newbiggin to the abbey of Holm Cultram, by the metes and bounds in the grant ſpecified *.

He had iſſue,

3. *John de Newbiggin*, who married a Blennerhaſſet. Who had iſſue,

4. *John*, who married a Barton. One of the witneſſes to the grant of the advowſon of the church of Kirkby Thore by Adam de Kirkby Thore to Robert de Veteripont, in the time of king John or Henry the third, is *John de Newbiggin* (probably this ſame John). Who had iſſue,

5. *Thomas*, who married a Vaux. And had a ſon,

6. *Robert*, in the reign of Ed. 1. who married Agnes a daughter of Wackerfield.

By an inquiſition after the death of Robert de Clifford, who died in the 7 Ed. 2. the jurors find, that Robert de Newbigging then held the manor of Newbigging; the wardſhip whereof was worth 10 *l*, and the cornage 20 *d*.

* Laurencius filius Roberti ſeneſcalli de Neubyginge, præſentibus et futuris, Salutem. Sciatis me dediſſe et præſenti charta confirmaſſe Deo et Sanctæ Mariæ de Holme et monachis ibidem Deo ſervientibus, in liberam, puram, et perpetuam eleemoſynam, pro ſalute animæ meæ et ſponſæ meæ, totam illam terram de Sparſtanerig, et illam quæ eſt ſubtus Sparſtanerig, infra illas diviſas; ſc. A petra illa quæ ſtat ſuper ripam foſſati ſuper Trebrigge, uſque ad petram quæ ſtat juxta duas ſpinas; et ſic per tranſverſum uſque ad ſpinam quæ ſtat ad ſuperius caput ternæ; et a capite ternæ aſcendendo per ſicum uſque ad griſam petram quæ eſt ad inferiorem partem Rutchokes: Et ab illa petra in tranſverſo uſque ad magnam et latam griſſam petram quæ jacet ſuper Sparſtanerig: et ab illa petra in tranſverſum uſque ad gilam quæ eſt inter Sparſtanerig et Caſtellerig: Et inde aſcendendo per prædictam gilam uſque ad rivolum qui eſt ad ſuperius caput de Sparſtanerig: Et ſic deſcendendo per ipſum rivulum uſque in foſſatum monachorum ſubtus Warthebeck: Et inde deſcendendo per foſſatum uſque ad petram deſuper Trebrigge juxta duas ſpinas. Hanc prædictam terram tenebunt monachi per diviſas prænominatas, bene et in pace, integre et plenarie, libere et quiete ab omni ſervicio terreno, conſuetudine, et exactione ſeculari. Et ego et hæredes mei warrantizabimus prædictis monachis prædictam terram contra omnes homines in perpetuum.

And by another grant he conveys to them——totam partem meam et quicquid ad me et hæredes meos pertinet de mariſco inter me et monachos infra foſſatum quod monachi fecerunt diviſam conſenſu meo inter Newbiginge et illos; et communem paſturam trecentis et ſexaginta ovibus, et viginti vaccis, et uni tauro, et triginta bobus, in campo de Newbiginge, in omnibus locis ubicunque mea propria averia paſcunt et averia totius villæ de Newbiginge. *(Regiſtr. Holme.)*

And

And in the ſame year, Robert de Newbigging preſented Sir *Thomas de Newbigging* to the rectory there, who was inſtituted thereupon; ſaving to the church of Kirkby Thore the yearly penſion of 3*s* of old time due and accuſtomed.—Accordingly in an account of the profits of the rectory of Kirkby Thore in the year 1575, we find amongſt the receipts 3*s* paid to the rector of Kirkby Thore out of the rectory of Newbiggin. By which it ſeemeth, that Newbiggin is a pariſh carved out of the pariſh of Kirkby Thore; or, to ſpeak more properly, that this was originally no more than a chapel of eaſe, and that this payment (as was common in ſuch caſes) was reſerved as an acknowledgment of the ſuperiority of the mother church.

And beſides the aforeſaid penſion, the rector of Newbiggin was bound to perform altar ſervice at the church of Kirkby Thore two days in the year, on which days, the rector of Kirkby Thore was to find a dinner for the ſaid rector of Newbiggin and his dog.

The ſaid Robert de Newbiggin had a ſon and heir,

7. *Robert de Newbiggin*, who married Emma a daughter of Threlkeld; and in the 10 Ed. 2. made a ſettlement of his eſtate, to him and his wife Emma during their lives and to the heirs of their bodies, remainder to his own right heirs. This Robert was the laſt of the male line of the name *de Newbiggin*, having only a daughter,

8. *Emma de Newbiggin*, who about the 5 Ed. 3. was married to *Robert de Crackenthorp*, ſuppoſed by the reverend Thomas Machel to have been a younger brother of the Machels of Crackenthorp, who thereupon took the arms of Newbiggin, as was uſual on the marriage of heireſſes. And the family pedigree ſeems to confirm this account, by attributing the ſame arms both to Newbiggin and Crackenthorp. Nevertheleſs, there ſeems to be ſome cauſe of doubt in this matter. For although it might be not improbable that one of the family of Machel ſhould take the name *de Crackenthorp* (for there are many inſtances of local names thus aſſumed), yet it is not likely that Robert would altogether relinquiſh his own family arms, nor was it uſual in like caſes; but rather he would quarter the arms of Newbiggin with his own paternal arms of Machel. And in fact, the Crackenthorps bore the ſame arms before this match with Newbiggin (for this Robert was not the firſt of the name) which they bore afterwards. In an ancient roll of arms in the heralds office of the knights that attended king Edward the firſt in his expedition into Scotland, are the arms of Crackenthorp, the ſame as they are now, *viz.* Or, a cheveron between three mullets pierced Azure.

In the reign of king Hen. 3. we find at Crackenthorp one *William de Crackenthorp* ſon of *William*, who made an agreement with John Mauchel about the mill there.

In the 18 Ed. 1. the ſaid John Mauchael and *William de Crackenthorp* were witneſſes to a grant of lands at Sandford, by John de Sandford to John de Helton. At the ſame time, *William de Crackenthorp* (as appears upon the diviſion of the barony of Weſtmorland between the two daughters of Robert de Veteripont) held a third part of the manor of Brougham, probably by marriage of a coheireſs.

And again in the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *John Godbert*, *William Crackenthop*, and *Henry de Reddings* then held the manor of Brougham.

It is probable, that *Robert de Crackenthorp*, who married the heireſs of Newbiggin, was ſon of this *William*.

In the 13 Ed. 3. the ſaid *Robert de Crackenthorp* preſented to the rectory of Newbiggin one *John de Hale*, on a vacancy by the death of the aforeſaid Thomas Newbigging.

And three years after, he preſented one *Gilbert de Tindale* to the ſaid rectory, being void by reſignation. And ſoon after he died; leaving, by his ſaid wife Emma de Newbiggin, a ſon and heir,

9. *William de Crackenthorp*; who in the 18 Ed. 3. together with *John Tyndal* and *John Trotter*, held the manor of Brougham.

In the 38 Ed. 3. *William de Crackenthorp* preſented one *Thomas de Appleby* to the rectory of Newbiggin, being vacant by the reſignation of *Robert de Appleby*.

And in the 41 Ed. 3. on the reſignation of Thomas de Appleby, the ſaid *William* preſented one Sir *Robert de Merton*.

In the 49 Ed. 3. the ſaid *William* made a ſettlement of his eſtate (perhaps on the marriage of his ſon); in which ſettlement, Robert de Merton, rector of the church of *St. Edmund* of Newbiggins, is a truſtee.

In the ſame year, Robert de Merton reſigned his living, and Sir *John de Culwen* was preſented and inſtituted. And preſently he exchanged, with *Roger de Kirk Oſwald*, for the vicarage of Bromfield; whereupon the ſaid Roger was preſented by the ſaid William de Crackenthorp, and inſtituted.

In the 15 Ric. 2. after the death of Roger de Clifford, the inquiſition finds, that *John de Tyndall* and *William de Crackenthorp* held two parts of the manor of Brougham.

The ſaid *William*, by his wife who was of the name of Grimſton, had a ſon and heir,

10. *John de Crackenthorp*, who married a daughter of Briſco. In the 5 Ric. 2. during his father's life-time, he ſerved for the county of Weſtmorland in parliament; and was allowed, for his charges during his attendance for twenty days, 12 *l.*

In the 9 and 13 Ric. 2. he was again returned for the ſame county.

In the 16 Ric. 2. he ſerved again for the ſame county, and had an allowance of 18 *l*, for 28 days attendance.

In the 21 Ric. 2. he appears to have been under ſheriff of the ſaid county.

And in the 1 Hen. 4. he was knight of the ſhire for the ſaid county, and had an allowance of 26*l* 16*s* 0*d* for ſixty-three days attendance.

He had a ſon and heir,

11. *John de Crackenthorp*, who married a Blencow.

This John had a brother *William*, who in the 18 Ric. 2. was elected one of the knights of the ſhire for Weſtmorland, and had 19*l* 12*s* 0*d* allowed for 49 days. In the 21 Ric. 2. he was again returned for the ſame county. In the

1 Hen.

1 Hen. 4. he ſerved in parliament for the borough of Appleby. In the 3 Hen. 4. he ſerved for the county. And again in the 4 Hen. 4. and had an allowance of 28 *l* for 71 days. In the 7 Hen. 5. he was elected burgeſs for Appleby; and in the 3 Hen. 6. he ſerved for the county. He married a Sandford; and died in the 17 Hen. 6.

Robert de Crackenthorp, another brother, married one of the coheirs of the laſt Lancaſter of Howgill. Which *Robert*, in the 1 Hen. 5. ſerved for the county of Weſtmorland in parliament, and had allowance of 16 *l* for 40 days. In the 3 Hen. 5. he was again returned for the ſame county. And again in the 5 Hen. 6.

The ſaid *John de Crackenthorp* by the inquiſition *poſt mortem* of John de Clifford in the 10 Hen. 5. appears to have held the manor of Newbiggin, and one third part of the manor of Brougham. He died in the 14 Hen. 6. leaving a ſon and heir,

12. *John de Crackenthorp*, who married a Leyburn. In the 5 Hen. 6. we find this John, who is called John de Crackenthorp the younger (his father being then living), receiver to the lady Elizabeth (Piercy), widow of John lord Clifford, of her revenues in Weſtmorland.

Thomas Crackenthorp, brother of this *John*, in the 27 Hen. 6. ſerved the office of ſheriff for Cumberland; and in the 29 Hen. 6. repreſented the county of Cumberland in parliament. The ſaid *Thomas*, as alſo his brother *James*, engaging on the part of the houſe of Lancaſter againſt that of York (as did almoſt all the northern nobility and gentry) in the then civil wars, were ſlain in the great battle of Towton-field, together with their general John lord Clifford.

In the 31 Hen. 6. *John Crackenthorp de Newbiggin*, together with two others, appears by inquiſition to have then held the manor of Brougham: from which ſpecial deſignation of the place, there can be no doubt but that the Crackenthorps of Brougham and Newbiggin were the ſame family.

The ſaid *John* died in the 6 Ed. 4. leaving a ſon and heir,

13. *John de Crackenthorp*, who married a Muſgrave.—In the 20 Hen. 7. *John Crackenthorp*, *William Bird*, and *John Burgham* held the manor of Brougham.

In the 4th, and again in the 5th of Hen. 8. *John Crackenthorp* was ſheriff of Cumberland.

In the 18 Hen. 8. he, and two others, held the manor of Brougham.

The ſaid *John*, beſides his ſon and heir *Chriſtopher*, ſeems to have had a younger ſon *William*, to whom he gave the ſaid third part of the manor of Brougham: For in the 1 and 2 Ph. and Mary, *Margaret* widow of *William Crackenthorp* and *John* their ſon and heir held the third part of the ſaid manor of Brougham. And after this, we find the name no more at Brougham.

14. *Chriſtopher Crackenthorp* of Newbiggin eſquire, ſon and heir of John, married a daughter of Blenkinſop of Helbeck.

In the 25 Hen. 8. he built the hall or manor-houſe at Newbiggin, as appears by this inſcription, cut in ſtone over the hall door:

Chriſtofer

Chriſtofer Crakenthorp men did me call,
Who in my tyme did builde this hall,
And framed it as you may ſee,
One thouſand five hundred thirty and three.

In the 35 Hen 8, this Chriſtopher, for the ſum of 255*l* 3*s*, purchaſed of the crown the grange and tenement called *Hale-grange*, with the appurtenances, in *Kirkby Thore*, late belonging to the monaſtery of Holm Cultram; with lands in *Kirkby Thore* and *Newbiggin*, belonging to the ſaid monaſtery, to the amount of 182 acres in the whole; and alſo the houſe and other poſſeſſions of the late priory of *Friers Carmelites*, commonly named White Friers, in Appleby; and the whole manor of *Hardendale* and *Waſdale*, late belonging to the monaſtery *de Bellalanda*, otherwiſe *Byland* in Yorkſhire. The *Hale* revenues were extended at 4*l* 3*s* 4*d* a year; the *Friery* at 26*s* 8*d*; and the *Byland* poſſeſſions at 8*l*. To hold of the king *in capite* by the 20th part of one knight's fee; and paying to the king yearly for *Holm Cultram* 8*s* 4*d*, for the *Friery* 2*s* 8*d*, and for *Byland* 16*s*.

The ſaid Chriſtopher had a younger ſon *John*, who was founder of the family of the Crackenthorps at Little Strickland.—His eldeſt ſon and heir was,

15. *Henry Crackenthorp* eſquire; who in the 27 Eliz. preſented to the rectory of Newbiggin one Sir *Roland Vaux*, on the death of Sir *Giles Robinſon* the laſt incumbent.

This Henry had four wives. Firſt, he married a Dalſton. His ſecond wife's name was Sandford. His third wife's name was Carnaby, of Halton-tower in Northumberland. The fourth was Winifred ſiſter of Sir Chriſtopher Pickering knight; by whom he had iſſue, (1) Chriſtopher, his eldeſt ſon and heir. (2) William. (3) Richard, a clergyman, who married Mary lady Honywood of Mark's Hall in Eſſex: he was chaplain to king James the firſt, and died in 1624. (4) Henry. (5) Anne, married firſt to John Pennington of Seaton eſquire, and after him to Sir Richard Sandford of Howgill-caſtle. (6) Frances, married to one Mr. Laithes. (7) Winifred, married to Sir William Hutton's eldeſt ſon, and afterwards to Mr. Warcop a clergyman. (8) Barbara, married to Sir Richard Fletcher of Hutton.

16. *Chriſtopher Crakenthorp* eſquire, ſon and heir of Henry. He married Mary daughter of Sir James Bellingham of Levins knight; and by her had iſſue, (1) Henry, who was ſlain in the fight at Wigan, upon the entrance of king Charles the ſecond into England, before the battle at Worceſter: He married a Featherſton, but died without iſſue. (2) Richard, who ſucceeded his father. (3) Robert, who died unmarried. (4) Frances, married to one Darcie of York. (5) Iſabel. (6) Dorothy, married to John Philipſon of Calgarth eſquire. (7) Elizabeth, married to Birkbeck of Orton.

17. *Richard Crackenthorp* eſquire, ſecond ſon and heir of Chriſtopher. He married to his firſt wife Mary daughter of Sir Chriſtopher Dalſton of Acornbank knight; and by her had iſſue, (1) Henry, who died young. (2) Chriſtopher, who ſucceeded his father. (3) John. (4) Thomas, whoſe poſterity, after failure of iſſue male from his brother Chriſtopher, ſucceeded to the inheritance

ritance in tail male. (5) William. (6) Mary. (7) Barbara.—To his ſecond wife he married Lettice daughter of one Lowgher a clergyman in Staffordſhire, and relict of Thomas Denton of Warnell eſquire; and by her had (8) George. (9) James. (10) Richard. (11) Francis. (12) Lettice.

In confirmation of the above account, there is in the family a long ſcroll of eſcutcheons, beginning with the arms of Newbiggin ſingle, (ſuppoſing the arms of Newbiggin and Crackenthorp to have been the ſame, which we have ſhewn, nevertheleſs, to be ſomewhat doubtful) then, Newbiggin impaling Wharton, Blennerhaſſet, Barton, Vaux, Wackerfield, Threlkeld, Grimſton, Briſco, Blencow, Sandford, Leyburn, Muſgrave, Blenkinſop, Pickering, Bellingham, Fetherſton, and Dalſton. It ſeems to have been drawn about the time of Dugdale's viſitation, which was in the year 1664.

18. *Chriſtopher Crackenthorp* eſquire, ſecond ſon and heir of Richard. He married Anne daughter of Robert Rawlinſon of Cark-hall in Cartmell in the county of Lancaſter eſquire. He was of the age of 32 at the time of Duggale's viſitation aforeſaid. He left iſſue, (1) Richard. (2) Robert. (3) Chriſtopher, of the ſix clerks office, who married a daughter of Sir William Glyn of Broadlane in the county of Flint baronet, and died without iſſue. (4) Mary.

19. *Richard Crackenthorp* eſquire, ſon and heir of Chriſtopher, married Deborah eldeſt daughter and coheir of Samuel Mottram of Thorp-hall in the county of Lincoln eſquire; and had iſſue, (1) Mottram. (2) Henry, who died an infant. (3) Deborah, who died unmarried. (4) Anne, now widow of Adam Aſkew of Newcaſtle upon Tyne, M. D. who after the death of her brothers and ſiſter without iſſue, remaineth heir general of the Crackenthorp family, but by the intail on the male iſſue was excluded from the inheritance.

This Richard, in 1698, on the death of *Thomas Dawſon* rector of Newbiggin, preſented to the ſaid rectory *Thomas Jackſon*, B. A.

20. *Mottram Crackenthorp* eſquire, ſon and heir of Richard, died unmarried. And here the male branch in the direct line failing, we go back to *Thomas* aforeſaid, fourth ſon of Richard at N° 17. Which Thomas married Mary younger daughter of Threlkeld of Melmerby, and had iſſue Chriſtopher, Richard, and Mary.

21. *Chriſtopher Crackenthorp* of Newbiggin eſquire, ſon and heir of Thomas, married Dorothy ſecond daughter of William Sandford of Aſkham eſquire, and died without iſſue.

The ſaid Chriſtopher in 1731, preſented *Richard Smith* to the ſaid rectory.

He was ſucceeded by his brother,

22. *Richard Crackenthorp* eſquire; who married Dorothy daughter of Edward Crewe of London; and had iſſue, Richard, Chriſtopher, Mary, Suſan, Dorothy, Anne, Catharine, John, James, and Thomas; moſt of whom died young.

23. *James Crackenthorp* of Newbiggin eſquire, the only ſurviving ſon of Richard, ſucceeded his father, and married Anne ſecond daughter of George Vane of Long Newton in the county of Durham eſquire, and died without

ſſue; and in him the name of Crackenthorp of Newbiggin was extinct. He deviſed the inheritance to his widow during her life, and after that to his ſiſter Dorothy wife of William Cookſon of Penrith eſquire and the heirs male of her body, in defect thereof to the reverend Adam Aſkew ſecond ſon of Dr. Adam Aſkew of Newcaſtle upon Tyne aforeſaid.

The *arms* (as aforeſaid) of the Crackenthorps are; Or, a cheveron between three mullets pierced Azure: The creſt; on a wreath Or and Azure, an holly tree ſprig or buſh proper.

The *manor houſe* ſtands at the north end of the village; and was built (or rather rebuilt) by Chriſtopher Crackenthorp as aforeſaid, in the reign of king Henry the eighth.

The *church* is but ſmall, being in proportion to the pariſh. In the eaſt window, in Mr. Machel's time, were the Cliffords arms: And in the ſouth window next unto it, a monk with a paſtoral ſtaff, probably deſigned for St. Edmund. There is an ile on the north ſide, which belongs to the lord of the manor and patron of the living; and ſeems to have been the ancient burying place of the family. But in the year 1686 there was another place aſſigned; and on the ſouth wall was put up this diſtich, in the ſame ſtyle of poetry as the inſcription over the hall-door:

This place is aſſigned here as you ſee
For the patron of the church interred to be.

The pariſh conſiſts of only about 31 families in the whole, whereof diſſenters 3.

Upon the rocks, at a place called CRAWDUNDALE in this pariſh, were formerly found characters and ancient inſcriptions, all of which are now obliterated and mouldered away by length of time. Mr. Camden takes notice of one, the former part whereof was not legible, but in the other part was to be ſeen the name of *Varronius commander of the 20th legion*; and another, in which was the name of *Ælius Lucanus commander of the 2d legion.* The 20th legion, he ſays, was quartered at Deva, now called Weſt-Cheſter; and the 2d legion was quartered at Iſca, now Caerleon, in Wales; and might be drawn into theſe parts, for the defence thereof. The exact time hereof is not eaſily to be ſet down; yet in order to the pointing out the very time, Mr. Camden obſerves, that there was to be ſeen in a rock near adjoining, in capital letters, the name of *Cneius Octavius Cotta, conſul*, (CN. OCT. COT. COSS.) yet in all the conſular rolls he owns he could meet with no ſuch name.

[Upon the whole, if this account of the above mentioned inſcriptions were not ſupported by ſo reſpectable an authority, one might be tempted to conclude that ſome part thereof might be owing to ſtrength of imagination. It is a ſoft, red, mouldering ſtone. And if an inſcription, which was legible in Camden's time, is not now at all to be found; it ſeemeth as unlikely, that an inſcription

made in the Roman times ſhould continue to the days of Camden. And it is not impoſſible, but that the whole might be the work of the ingraver who cut the inſcription over the hall door, or the amuſement of ſome labourer at a vacant hour in quarrying ſtones in the rock there.]

PARISH OF KIRKBY THORE.

I. *Pariſh of Kirkby Thore.*
II. *Manor of Kirkby Thore.*
III. *Manor of Temple Sowerby.*
IV. *Manor of Milburn.*

I. PARISH OF KIRKBY THORE.

KIRKBY THORE is ſo called from a temple anciently dedicated to the great idol of the Pagan-Saxons, called Thor; which was of more eſtimation among them, than any of the reſt of their idols. This was majeſtically placed in a very ſpacious hall, and there ſet as if he had repoſed himſelf upon a covered bed. On his head this idol wore a crown of gold, and round in compaſs above and about the ſame, were ſet or fixed 12 bright burniſhed golden ſtars; and in his right hand he held a kingly ſcepter. He was eſteemed the god of thunder; and every Thurſday was weekly dedicated unto his peculiar ſervice, from whence that day received its name.

Mr. Camden ſuppoſes this place to be the *Gallagum* of the Romans; but Mr. Horſley with more probability fixes the *Gallagum* at Appleby, and proves this place to have been the Roman *Brovonacæ*.

This pariſh is bounded on the Eaſt by the pariſhes of Dufton and Marton; on the South, by the pariſhes of St. Michael's Appleby, Morland, and Clibburn; on the Weſt, by the pariſh of Brougham; and on the North, by the pariſhes of Kirkland, Newbiggin, and Alſton: And contains about 146 families; whereof, diſſenters 6.

The church is dedicated to St. Michael. It is a rectory, valued in the king's books at 37*l* 17*s* 11*d*. The patron is the right honourable the earl of Thanet, by hereditary deſcent from Robert de Veteripont, who purchaſed the ſame of the then lord of the manor. The original purchaſe-deed is ſtill at Appleby caſtle, whereby Adam ſon of Waldeve of Kirkby Thore grants to Robert de Veteripont the advowſon of the church of Kirkby Thore, with all the liberties and dignities to the ſaid church belonging, as well in the chapels of Soureby and Milleburn, as in lands and other poſſeſſions.

Biſhop Nicolſon takes notice of a remarkable inſtance in the year 1280, of biſhop Irton's faithful adherence to the right of his ſovereign in oppoſition to the then faſhionable uſurpations of the ſee of Rome, in the caſe of proviſions

to vacant benefices, in the very firſt year of his prelacy; for he then certifies the biſhop of Bath and Wells, then lord chancellor, that there had been no divine ſervice in the church of Kirkby Thore in eight years paſt, by reaſon of a papal interdict; which being for not admitting a foreigner to a proviſion, and the church under a lay patronage, he hopes the king will reſent it. (Pryn. tom. 3. p. 1231.). But it is obſervable, that though the biſhop here admits the papal proviſions to benefices under lay patronages to be incroachments on the royal authority, yet he ſays nothing of the like diſpoſal of thoſe that are the property of eccleſiaſtical patrons, who were ſuppoſed to be more the pope's ſubjects than the king's; for in truth he himſelf held his biſhoprick by a papal proviſion, without the king's conſent.

In the year 1343, one *Roger de Clifford* was rector of Kirkby Thore; who being grown very old and infirm, had one Sir Thomas Payteſun (a prieſt) aſſigned to him for an aſſiſtant, both in ſpirituals and temporals.

And two years after, *Ralph de Brantingham* was preſented to the vacant rectory of Kirkby Thore, by king Edward the third, in right of Robert ſon and heir of Robert lord Clifford, then an infant, and the king's ward.

In 1354, on the reſignation of one *Thomas de Riplyngham*, the ſaid king preſented *Adam de Hoton* in right of the ſaid Robert, being not yet of age.

In 1362, on the death of the ſaid Adam de Hoton, *William de Corbrigg* was preſented by Roger de Clifford lord of Weſtmorland. The ſame year this William had licence of abſence for a year to purſue his ſtudies, and letters dimiſſory for orders. The like licence was afterwards renewed to him for three years. The ſaid William appears to have been rector in 1335, which was the 48 Ed. 3.

In the reign of king Henry the ſixth, *Roger de Crackenthorp* (one of the Newbiggin family) was rector.

In the reign of Edward the fourth, *Henry Wherton*, a younger ſon of Gilbert de Wherton lord of the manor of Kirkby Thore, was rector.

In 1526, 18 Hen. 8. *Richard Evenwode*, abbot of Shap, was preſented by Henry earl of Cumberland, on the reſignation of *Richard Rawſon*, to whom he was to pay a yearly penſion of 30*l* during his life.

In this Richard Evenwode's time, who was both abbot and rector, this church narrowly eſcaped an appropriation to Shap abbey. The writings were drawn, the money advanced, all requiſite conſents obtained, and nothing prevented the completion thereof but the diſſolution of the abbey *.

The

* The following is a copy of the inſtructions given by Evenwode to his agent in the ſaid buſineſs of the appropriation:

" Articles of inſtructions from th' abbot of Shapp to Thomas Jolye concerninge th' appropriation of Kirkbythore.

Imprimis, the ſaide abbott doth ſende to the ſame Thomas four deids unſealed concerninge the ſame appropriation.

Item, an other inſtrument ſealede by the jentylmen churche wardens and other of the ſaid pariſhinge in the name of th'ole pariſhinge.

Item, to remembre my lorde of Cumberlande, for ſealinge of his deide of graunte under the ſeall of his armes for your going upon.

Item,

The great bell at Kirkby Thore, which is the largeſt in the county, (but hath been burſt long ago) is ſaid to have been brought thither from Shap abbey: Which, by reaſon of the connexion at that time of the rector of Kirkby Thore with the abbey, is not improbable: And the ſteeple at Kirkby Thore ſeems not to have been made for ſuch a bell.

Richard Evenwode ſeems to have been ſucceeded by *Michael Crackenthorp*; which Michael died in the 11 Eliz. 1568.

On Michael Crackenthorp's death, *Robert Warthcoppe* was inſtituted on the preſentation of Henry earl of Cumberland.

On his reſignation, in 1597, inſtitution was given to *Thomas Warcop*, M. A. on the preſentation of George earl of Cumberland.

In 1629, Mr. *Lancelot Lowther* (ſon of Sir Chriſtopher Lowther of Lowther), on the preſentation of Francis earl of Cumberland, was inſtituted to the rectory of Kirkby Thore, together with the chapels of Milburn and Sowerby. He was alſo made rector of Marton towards the beginning of the civil wars. He was ejected from Kirkby Thore *, but ſeems to have had intereſt to keep Marton, of which place he died rector in 1661.

He was ſucceeded at Kirkby Thore by Mr. *Thomas Warcop* of the family of Warcop of Colby †. Which Mr. Warcop died during the uſurpation.

Mr. Warcop was ſucceeded by *William Walker*, M. A. of Chriſt's college in Cambridge; who had been ſome time ſchoolmaſter of Giggleſwick in Yorkſhire ‡.

On the death of William Walker in 1677, *Thomas Machell*, M. A. was inſtituted on a preſentation by the honourable Thomas Tufton, brother of Ni-

Item, to remembre my ſaide lord (forſomiche as my lorde buſhop of Carlioll comith nott down) to write a lovinge letter for ſealing of his deide, and for the redy expedition and ſettinge forwardes of ſuch buſynes as apperteinyth to him in that behalf.

Item, a like letter to Mr. William Hogyll archdicon of Carlioll, for the ſealing of ſuch wrytynge as belongyth to his office.

Item, to remembre all other writings nott yit maide nor ſealed, eyther by the kyng's highnes, my lorde of Canterbury, or any other neceſſary or requiſit to be hade in the premiſſes.

Item, I do ſend you by my ſervant this berer, the reſidue of the fyne to the kyng's highnes for the ſame Kirkbythore, 40*l.*

Item, I do ſend you, over and beſide the ſaide fyne, with this ſame berer, for diſcharging other chargies as ſealinge of writyngs with other neceſſaries appon your diſcretion to be payede and laide down, appon a rakynnyng thereof to be maide by you of the ſame, 10*l.*

Item, that ye remembre to thanke Mr. Hughes for his payns hertofor takyn in theſe premiſes, and deſire him of his goode continuance in the ſame; and accordinge to Mr. Blenkanſope promeſs and yours, he ſhall have ſuch a nagge as I truſte ſhall content him, to be delyvered at ſuch tyme as you thincke goode to ſende for the ſame.

Item, deſieringe you to remembre a proviſo to be obteyned, that I may have and perceyvethe fruits of the ſame Kirkbythore duringe my lif natural, in diſcharge of my penſion.

Per me

Ricum Abbate."

* Walker's Sufferings of the Clergy. Part 2d, page 299.

† Machel.

‡ The *fiat* for his teſtimonial from the college is yet extant, ſigned by perſons moſt of them eminent in their day: "Apr. 19, 1651. We are content that Mr. William Walker have a teſtimonium "according to the uſual form for maſters in arts. R. Widdrington. H. More. Hu. Bethel. "Will. Owtram. G. Ruſt. J. Sedgwick. Dan. Bull." (Bound up in Mr. Machell's collection.)

cholas

cholas Tufton then earl of Thanet. This is that Thomas Machell, whom we have ſo often had occaſion to mention with honour, for his large collection of materials relating to the hiſtory and antiquities of Weſtmorland.

On the death of Thomas Machell in 1699, *Edmund Wickens*, M. A. was inſtituted on a preſentation by the ſaid Thomas Tufton then earl of Thanet.

In 1722, on the death of Edmund Wickens, *Carleton Atkinſon*, M. A. was inſtituted on the preſentation of the ſame patron.

In 1762, on the death of Carleton Atkinſon, *Thomas Milward*, M. A. rector of Marton as aforeſaid, was inſtituted on the preſentation of Sackville earl of Thanet.

In 1775, on the death of Thomas Milward, *Gilpin Gorſt*, M. A. was inſtituted on a preſentation by the ſame patron.

II. MANOR OF KIRKBY THORE.

1. The firſt lord of the manor of Kirkby Thore that we have met with was *Whelp*, who lived about the reign of king Stephen or Henry the ſecond. From him probably, or one of his anceſtors, *Whelp-caſtle* had its name.

2. He had a ſon *Gamel*. Which *Gamel* had a ſon,

3. *Waldeve*; who granted divers lands at Kirkby Thore and Hale to the abbey of Holm Cultram; with common of paſture for 400 ewes, 20 rams, and the lambs of the firſt year; and as many oxen, ſows, and horſes, as they ſhall need for their houſhold and tillage; and for ſix cows, one boar, and their young till one year old *. Which grant was confirmed by Lyulph ſon of Lyulph, who ſeems to have held one fourth part of the manor under the ſaid *Waldeve*; for in his charter of confirmation he ſtyles the ſaid *Waldeve* his lord.

* Univerſis Sanctæ Matris Eccleſiæ filiis tam preſentibus quam futuris, Waldevus filius Gamelli, ſalutem. Sciatis, quod ego voluntate et conſenſu hæredis mei et aliorum hæredum noſtrorum, conceſſi et hac præſenti charta mea confirmavi, Deo et Sanctæ Mariæ et monachis de Holme, in campo de Kyrkeby Thore terram illam quæ dicitur Toftes et Hale, et omnem terram et mariſcum infra foſſatum monachorum ſubtus Sparſtanerig; præter terram eccleſiæ, et terram Roberti de Broy quam dedit monachis prædictis in eſcambio. (With many other parcels of lands, ſetting forth their reſpective abuttals and boundaries.) Habebunt etiam communem paſturam quadringentis ovibus et viginti multonibus cum ſectis ſuis unius anni, communiter cum vicineto de Kyrkebythore; et tot bobus et vaccis et equis quot opus habuerint ad terram ſuam excolendam, et domum ſuam tenendam, et opera ſua facienda; et ad ſex ſues, et unum verrem, cum ſectis ſuis unius anni. Et quando monachi adducent averia ſua ad nundinas vel ad forum, habebunt liberum acceſſum et receſſum cum illis in prædicta paſtura. Et accipient lignum, et turbas, et petas, et omnia alia neceſſaria cum vicineto de Kyrkebythore. Et donationem Lyulphi, et donationem Thomæ Extranei, et donationem Arnaldi et Fulconis, ſicut in eorum chartis continetur, hac mea charta confirmo. Hæc omnia prædicta concedo et do prædictis monachis in liberam, puram, et perpetuam eleemoſynam, pro ſalute animæ meæ et ſponſæ meæ et anteceſſorum meorum, libere, quiete, et honorifice; nominatim a cornagio, et multura, et omni ſeculari ſervicio, conſuetudine, et exactione. Et ego et Adam hæres meus, et cæteri hæredes noſtri warrantizabimus hanc donationem, et acquietabimus de cornagio et omni forenſi ſervicio, contra omnes homines in perpetuum. *(Regiſtr. Holme.)*

And

And by another charter he releaſes to the ſaid abbey all his right and claim, as lord of the manor, in certain lands therein ſpecified given to the ſaid abbey by Laurence de Newbiggin †.

4. This *Waldeve* had two ſons *Adam* and *Alan*. *Adam* the elder brother, by his charter confirmed to the ſaid abbey his father's grants ‡.

This is that *Adam de Kirkby Thore* who granted the advowſon of the church to Robert de Veteripont as aforeſaid.

His younger brother *Alan de Kirkby Thore* granted alſo to the ſaid abbey divers lands at Kirkby Thore, which grant was confirmed by *Adam* his lord and brother *.

This *Adam de Kirkby Thore* the elder brother had a ſon,

5. *Gilbert de Kirkby Thore*, who confirmed the grants of his grandfather and father †; and granted other lands at Kirkby Thore to the ſaid abbey, by his charter bearing date in the year 1247, being the 32 Hen. 3.

The ſaid *Gilbert* was living in the 14 Ed. 1. and confirmed divers other grants of lands at Kirkby Thore given to the ſaid abbey (for there ſeems to have been an emulation which of them ſhould contribute moſt). Particularly, *Lyulph* ſon of *Lyulph* aforeſaid gave divers lands there; as did alſo *Adam* ſon of the ſaid *Lyulph*, with the aſſent of his lord *Adam* ſon of *Waldeve*. And *Robert*

† Univerſis Sanctæ Matris Eccleſiæ filiis tam præſentibus quam futuris, Waldevus filius Gamelli filii Whelp, ſalutem. Sciatis me dediſſe, conceſſiſſe, et hac præſenti charta mea confirmaſſe, conſenſu et aſſenſu Adæ hæredis mei, Deo et Sanctæ Mariæ et Monachis de Holm-Coltran, totum rectum et totam calumniam quam habui ego et hæredes mei in Sparſtanerig, &c. pro ſalute animæ meæ et hæredum meorum, et pro animabus patris mei et matris meæ, et omnium anteceſſorum et ſucceſſorum meorum, in liberam, puram, et perpetuam eleemoſynam, quietam et ſolutam a nobis et ab omnibus ſerviciis noſtris. *(Regiſtr. Holme.)*

‡ Omnibus Sanctæ Matris Eccleſiæ filiis, præſentibus et futuris, Adam filius Waldevi de Kyrkebythore, ſalutem. Noverit univerſitas veſtra me, pro Dei amore et ſalute animæ meæ et omnium anteceſſorum et ſucceſſorum meorum, conceſſiſſe et præſenti charta mea confirmaſſe Deo et eccleſiæ Beatæ Mariæ de Holme et monachis ibidem Deo ſervientibus, in puram et perpetuam eleemoſynam, omnes donationes quas Waldevus pater meus eis dedit, in terris cultis et incultis, in paſturis, turbariis, et in omnibus aliis rebus in territorio de Kyrkebythore, ſicut chartæ patris mei teſtantur. *(Regiſtr. Holme.)*

* Sciant omnes tam præſentes quam futuri, quod ego Alanus filius Waldevi de Kyrkebythore, voluntate et conſenſu Adæ domini mei et fratris mei, dedi et conceſſi et hac præſenti charta mea confirmavi Deo et Sanctæ Mariæ et monachis de Holm, in liberam, puram, et perpetuam eleemoſynam, viii acras terræ in territorio de Kyrkeby Thore, et medietatem mariſci ad capita earum, ſcilicet, juxta tres acras verſus Soureby. Et ego et hæredes mei warrantizabimus has prædictas acras terræ cum prædicto mariſco prædictis monachis contra omnes homines in perpetuum, liberas, quietas, et ſolutas, ab omni ſeculari ſervicio, conſuetudine, et exactione. *(Regiſtr. Holme.)*—— And there is a like grant by the ſaid Alan of a toft and croft at Kirkby Thore to the ſaid abbey.

† Omnibus Sanctæ Matris Eccleſiæ filiis, Gillebertus filius Adæ de Kyrkebythore, ſalutem. Noverit univerſitas veſtra, me pro ſalute animæ meæ et anteceſſorum et ſucceſſorum meorum, conceſſiſſe et hac præſenti charta confirmaſſe Deo et Sanctæ Mariæ et monachis de Holm, in liberam, puram, et perpetuam eleemoſynam, omnes donationes quas Waldevus avus meus eis dedit, et omnes alias donationes quas dictus Waldevus et Ada pater meus eis chartis ſuis confirmaverunt, in terris cultis et incultis, in paſturis et turbariis et petariis et in omnibus aliis rebus et communiis in territorio de Kyrkebythore, quietas ab omni ſeculari ſervicio, ſicut chartæ prædicti Waldevi avi mei et Adæ patris mei teſtantur. *(Regiſtr. Holme.)*

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de Broy releaſed to them certain rights and claims which he had there; and made an exchange with them of divers lands, whereof the *Maiden way* is expreſſed to be one of the bounder marks ‡: And *Amabil* daughter of *Robert de Bereford* executed to the ſaid abbey a like releaſe.

Alſo *John de Veteripont* gave certain lands there to the ſaid abbey; and the ſaid *John*, as lord of Weſtmorland, of whom this manor was holden in chief, granted to the inhabitants of Kirkby Thore freedom from *pulture* of his foreſters in Weſtmorland, and from finding teſtimony to his foreſters which is called *witneſſman*; and that if they ſhall be found guilty of offences in hunting or vert, they ſhall not be called to account for the ſame in any of his courts of the foreſt, but only in the county court.

6. After *Gilbert*, the next that we find was *John de Kirkby Thore* (probably ſon of *Gilbert)*; who in the 8 Ed. 2. after the death of Robert de Clifford, is found by inquiſition to have held of the ſaid Robert the manor of Kirkby Thore; the wardſhip whereof, when it ſhould happen, was valued at 10*l* a year, and the cornage thereof was 32*s* 6*d*.

In the 9 Ed. 2. and again in the 14 Ed. 3. *John de Kirkby Thore* was knight of the ſhire for Weſtmorland.

7. In the 43 Ed. 3. and alſo in the 15 Ric. 2. *John de Kirkby Thore* held the manor of Kirkby Thore.

8. So, in the 10 Hen. 5. *John de Kirkby Thore* held the ſame.

9. In the 31 Hen. 6. it is found by inquiſition as follows: *Gilbert de Kirkby Thore* heretofore held 3 parts of Kirkby Thore, and paid yearly for cornage 19*s* 10*d*; and owed wardſhip, marriage, and relief. And now *John de Kirkby Thore* holds the ſame 3 parts by all the ſervices aforeſaid; and makes fine by ſuit to the county court, notwithſtanding that the lord of Weſtmorland releaſed to one of his anceſtors the ſaid ſuit.—And *Robert de Berford* heretofore held immediately the 4th part of the ſame vill of Kirkby Thore, and paid yearly for cornage 12*s* 8*d*, and owed wardſhip, marriage, and relief. And now *Ralph Pudſay* knight, lord of Berford upon Teys, holds immediately the ſame 4th part, by the ſervices aforeſaid. And *John Wherton* holds the ſaid 4th part of the ſaid knight, by all the ſervices aforeſaid *.

And this is the firſt introduction of the *Whartons* to Kirkby Thore. They claim to be deſcended from a younger branch of the *Whartons* of Wharton-hall; which probably may be true (although they do not clearly make out the connexion): And to this day they bear the arms of the *Whartons* of Wharton, *viz.* Sable, a manch Argent; with a creſcent above the manch, by way of diſtinction of the younger branch: The creſt; On a wreath, a bull's head eraſed.

1. This *John Wharton* we aſſume as the firſt of that family at Kirkby Thore. In the 17 Ed. 4. we find Margaret daughter of John Wharton of Kirkby Thore eſquire married to William ſon of Thomas Wybergh of Clifton eſquire.

‡ De Maydengate uſque ad domos prædictorum monachorum. * Rawlinſon.

2. Next unto John, we find *Gilbert Wharton* of Kirkby Thore eſquire, who had a younger ſon Henry (as we obſerved before) rector there. And in the reign of Henry the ſeventh, *Gilbert Wharton* of Kirkby Thore was, with others, collector of the ſubſidy in Weſtmorland.

3. In the 14 Hen. 7. we find *John Wharton* of Kirkby Thore eſquire, probably ſon of Gilbert.

4. This John had a ſon *Gilbert:* For in the 4 Hen. 8. *Gilbert*, ſon and heir of John Wharton of Kirkby Thore, did (by way of ſettlement) grant to Thomas Warcop of Colby eſquire and others, all his manors, demeſnes, lands, tenements, rents, and ſervices, in Kirkby Thore, Brampton, and elſewhere in Weſtmorland; and all his lands, tenements, rents, and ſervices, in Cumrewe, and Aleby-field in Gilſland, one cloſe called Bartyn Park in the barony of Grayſtocke with one tenement contiguous thereunto, and alſo the reverſion of all his lands and tenements in Glaſſenby and elſewhere, in the county of Cumberland; to the uſe of Katherine his wife during the minority of his ſon and heir *John*, and after her deceaſe to the joint heirs of himſelf and the ſaid Katherine, remainder to his own right heirs.

In the 18 Hen. 8. the ſaid Gilbert appears to have held 3 parts of Kirkby Thore as aforeſaid. And Thomas Pudſey of Bereford upon Teis held the 4th part, which 4th part the ſaid Gilbert held of Thomas Pudſey.

And twenty years after this, we find the ſaid Gilbert and his ſon John both living. For in the laſt year of the reign of Hen. 8. *John Wharton*, ſon and heir apparent of *Gilbert Wharton*, was truſtee in a marriage ſettlement of a daughter of Hugh Machel to the ſon of Richard Machel gentlemen, both of Crackenthorp.

5. In the 18 Eliz. we find *John Wharton* eſquire in a liſt of ſubſcribers to the building of Temple Sowerby bridge. And this *John* probably had a ſon,

6. *John Wharton* of Kirkby Thore eſquire; for in the pedigree of the Whartons of Kirkby Thore, certified at Sir William Dugdale's viſitation in 1664, the firſt in the liſt (except two *Johns* in the reign of Hen. 7.) is *John Wharton* eſquire, who married Cicely daughter of Sir Nicholas Thornburgh of Celſhed in the county of Lancaſter knight, and died (as is there ſaid) in 1600. [Indeed, theſe heraldic pedigrees, eſpecially at any conſiderable diſtance of time, are generally very imperfect, and contradicted for the moſt part by records, where we have been ſo fortunate as to meet with ſuch. It was impoſſible for the heralds to judge in moſt caſes of their authenticity, and the perſon certifying the ſame might not be perfectly acquainted with the antiquities of his family.—The Sir Nicholas Thornburgh here mentioned ſhould have been Sir William Thornburgh, who was of Selſide in Weſtmorland.]

7. The aboveſaid *John*, by his wife Cicely Thornburgh, had a ſon and heir *Thomas Wharton* eſquire; who married to his firſt wife, Frances daughter and coheir of Reginald Hartley of Appleby eſquire: by whom he had iſſue, (1) John. (2) Henry, who died unmarried. (3) Richard, who alſo died unmarried. (4) Anne, married to Thomas Birkbeck of Orton. (5) Mary, married to Richard Lancaſter of Sockbridge eſquire. (6) Dorothy, who died unmarried. (7) Jane, married to Thomas Lowther of Roſetrees in Cumber-

land. He married to his ſecond wife, Bridget daughter of Robert Teaſdale of Dufton, widow of Jeffrey Wybergh of Bolton. He died in 1620.

8. *John Wharton* eſquire, ſon and heir of Thomas, married Katherine daughter of Chriſtopher Wyvill ſon and heir apparent of Sir Marmaduke Wyvill of Conſtable Burton in the county of York baronet, and by her had iſſue John, Stephen, Henry, Chriſtopher, Philip, Thomas, Mary, Iſabel, Jane, and Petronilla. He died in 1648.

9. *John Wharton* eſquire, ſon of John, married Anne daughter of Richard Crackenthorp of Little Strickland gentleman. He was of the age of 37 at Dugdale's viſitation aforeſaid; and had then three daughters, Bridget, Jane, and Anne. And it ſeemeth that he had no more children afterwards. For he cut off the intail, and (to raiſe portions for his daughters) ſold the eſtate to his couſin *Humphrey Wharton* of Gilling eſquire, barriſter at law.

10. The ſaid *Humphrey Wharton* had iſſue only one ſon, *viz.*

11. *Humphrey Wharton* of Gilling eſquire, who married a daughter of Byerley of Grainge in the county of Durham eſquire, and by her had iſſue Humphrey, Robert, Chriſtopher, and Anthony, and three daughters. Of the ſons, Humphrey, Robert, and Chriſtopher, died without iſſue, and the fourth ſon Anthony ſucceeded to the inheritance.

12. *Anthony Wharton* of Gilling eſquire married a daughter of Sir William Hickes of the county of Eſſex, and by her had iſſue (1) William. (2) Anne, who married and died leaving iſſue two daughters, *viz.* Anne married to John Hall Stephenſon of Skelton caſtle in Cleveland eſquire, and Frances married to William Farquharſon eſquire. (3) Margaret. (4) Mary.

13. *William Wharton* of Gilling eſquire ſucceeded his father, and died without iſſue, leaving coheirs the preſent owners his ſiſters Margaret and Mary and the daughters of his ſiſter Anne.

The *hall* or *manor houſe*, as alſo moſt part of the preſent town (Mr. Machel ſays), have been built out of the ruins of *Whelp Caſtle*; of which there are now ſcarce any remains. The main body of it hath ſtood (as may be conjectured, he ſays, from the ruins under ground) in a place called the *Burwens*, on a riſing ground, at the bank of the rivulet called Troutbeck, and not far from the river Eden. The ſquare incloſure, called the High Burwens, ſeems to have been the area of it, containing 8 ſcore yards in diameter, now ploughed and cultivated; and the outer buildings, mantle, and gardens, to have run down along the ſaid rivulet at leaſt as far as the fulling-mill, and poſſibly further, beyond the high ſtreet or Roman way; thence up the weſt ſide of the ſaid ſtreet about 8 ſcore yards, and thence up again in a ſtraight line to the weſt angle of the ſaid area. For in all theſe places the veſtigia of it may be diſcovered, by conduits under ground; ſubterraneous vaults; fair pavements of floors made with flags; tiles, and ſlates, with iron nails in them, by which they have been faſtened: but principally, by the foundations of walls, both of brick and ſtone; as alſo by coins, altars, and urns, with other fictilia, often found thereabouts.

The ſaid Mr. Machel, in the year 1687, in a ſearch there, found amongſt the rifled foundations a fourfold wall, made up of four walls jumped together, and as it were united into one. They were made of hewn ſtone, each wall being two foot and four inches thick, ſo that the whole was nine foot and four inches. The outermoſt wall was ſtrongly cemented to the very foundation with the beſt Roman mortar, ſeeming to be a compoſition of lime, gravel, and brick. The other three had their foundations firſt laid in clay, and then in a coarſer ſort of lime. And underneath all, was a pavement of cobble ſtones, to make the foundation more firm and durable.

In another part he found an altar FORTVNAE SERVATRICI.

Some leaden pipes alſo were found; and a drain made through the quadruple wall to carry off the water.

There were alſo found divers chambers, or arched vaults, under ground; with floors flagged with ſtone, or paved with brick. The bricks for the pavement were generally about ten inches ſquare, and two inches deep: though ſome were a foot ſquare and 2½ inches deep.

All which do loudly proclaim the ſame to have been Roman: As alſo the ancient Roman way, which branches off here, called the *Maiden-way*; and terminates at Caervorran in Northumberland near the Picts wall, for the length of near 20 miles, through fells, waſtes, and moors. Along which ſtreet, it is generally thought, were placed thoſe ſtations and manſions mentioned by Antonine in the ninth Itinerary.—And it is obſervable, that the gill at the other end of the *Maiden-way* near Caervorran is called *Glen-Whelp* (now by corruption *Glen-Welt*).

There was an ancient *well* diſcovered by the ſaid Mr. Machel, at the low end of the town near the bridge, by the ſide of the great Roman way leading from Appleby to Carliſle. In which were found urns, and ſeveral curious fine earthen veſſels; the cuſp of a ſpear; and ſandals, whoſe ſoles were ſtuck full of nails, and ſewed together, not with thread, but with leather: Moſt of which were carefully preſerved, deſigned, and deſcribed in a letter from the ſaid Mr. Machel to Sir William Dugdale, and printed in the Philoſophical Tranſactions Apr. 20, 1684.

Mr. Horſley takes notice of the following inſcription found here:

DEO BELATVCAD	Deo Belatucadro
RO LIB. VOTV	libenter votum
M FECIT	fecit
IOLVS	Iolus *.

There is a cloſe called *Meadow Powes* at Kirkby Thore, charged with 3*l* 6*s* 8*d* yearly to ſeveral charitable uſes, particularly to the poor of Warcop and Bleatarn: Which, on a diſpute in the year 1672, was decreed to be paid, by Humphrey Wharton eſquire, purchaſer of the ſaid cloſe †.

Some few years ago, the horn of a *mooſe deer* was found at the depth of about four feet from the ſurface of the earth; which was diſcovered by the river

* Horſl. 298.

† Caſes in the time of lord chancellor Finch, page 81.

waſhing

waſhing away the bank near the conflux of Troutbeck and Eden. Which is now in the poſſeſſion of John Dalſton of Great Salkeld eſquire, in his large collection of natural curioſities.

In the ſaid lordſhip of Kirkby Thore, is a freehold eſtate called *Spittle*; which name indicates the ſame to have belonged to ſome of the religious houſes. It is about half a mile north-weſt from the church.

Nigh unto which is *Hale* aforeſaid; part in the lordſhip of Kirkby Thore, and part in the pariſh of Newbiggin.

III. MANOR OF TEMPLE SOWERBY.

Below Kirkby Thore, and adjoining thereto on the north-weſt, lies TEMPLE SOWERBY; ſo called by way of diſtinction, from its having belonged heretofore to the Knights Templars: for there are two Sowerbys in the bottom of Weſtmorland, the other being called *Brough Sowerby*.

Before this place was granted to the Templars, it ſeems to have been called Sowerby only, without any other name of diſtinction. And we find ſeveral perſons deriving their name from thence, as *Adam de Soureby*, *William de Soureby*, *Hugh de Soureby*, and others. But whether any of this name, or who elſe, were then lords of the manor, hath not appeared to us.

The Knights Templars became firſt eſtabliſhed in England about the reign of king Stephen, who began his reign in the year 1135. When or by whom this manor was granted to the Templars, we have not found. The lords of this manor claim and exerciſe for themſelves and their tenants, ſeveral privileges which heretofore belonged to the Knights Templars, who had large poſſeſſions in this kingdom; which privileges were granted to them by a charter of king Henry the third. Which ſaid king, for the love of God, and for the health of the ſoul of king John his father, and of the ſouls of all his anceſtors and ſucceſſors, grants to the fraternity of the Knights Templars as follows: "That they ſhall hold all their poſſeſſions, with all liberties, free cuſ-
"toms and quietances, in wood and in plain, in meadows and paſtures, in
"waters and mills, in ways and paths, in lakes and ponds, in marſhes and
"fiſheries, in granges and woods, with ſoc, and ſac, and tol, and theam,
"and infangthief, and outfangthief, and hamſoken, and grithbrich, and blod-
"wite, and fledwite, and flitwite, and ferdwite, and hengwite, and leirwite,
"and flemenefrith, and fines for murder and robbery, forſtall, ordell, and
"oreſte: That they ſhall be free from aids of kings, ſheriffs, and their offi-
"cers, and from hidage, and carucage, and danegeld, and horngeld, and
"armies, and wapentacs, and ſcutages, and tallages, leſtages, ſtallages, ſhires,
"and hundreds, pleas, and plaints, ward, and wardpeny, and averpeny, and
"hundredpeny, and borethalpeny, and thethingpeny, and from the works of
"caſtles, parks, bridges, incloſures, and from all caringe, ſumage, and
"navage, and buildings or other works about the king's houſes; neither ſhall
"their

" their woods be taken for any ſuch works, nor the corn or other goods of " them or any of their tenants for the furniſhing proviſions for any ſuch caſtles: " And that they ſhall have their aſſart lands within the foreſt free from the " regard and view of the foreſters: And they and their men, and the goods " of every of them, ſhall be free from toll in all fairs and markets, and paſ- " ſages of bridges, ways, and of the ſea, throughout the whole realm: And " if any of their men ſhall be adjudged to forfeiture of life or limb, or ſhall " fly and not ſtand to judgment, or ſhall be found guilty of any offence which " incurs forfeiture of goods and chattels, either in the king's court or in any " other; the ſaid goods and chattels ſhall belong to the ſaid fraternity, and the " king's officers ſhall not ſeize them: Waif alſo, found in the fee of the " Templars, ſhall belong to the ſaid fraternity: And if any of their tenants " ſhall forfeit their fee, the ſaid brethren may enter thereupon immediately, " notwithſtanding that the king hath uſed to have in the fees of felons and " fugitives the year, day, and waſte: Amerciaments for offences alſo they ſhall " have:—Saving to the king the judgment of life and limb. And if any of " the liberties aforeſaid ſhall by continuance of time go into diſuſe, they ſhall " nevertheleſs enjoy the ſame in time following *."

Other privileges the lords of this manor have ſometimes aſſerted, which are clearly without foundation; ſuch as appointing overſeers of the poor, ſurveyors of the highways, and the like; which offices did not exiſt till ſome hundreds of years after the granting of the above mentioned privileges, nor till after the diſſolution of the Templars, Hoſpitallers, and every other of the religious ſocieties.

The Templars were diſſolved in the year 1312; and, eleven years after, their poſſeſſions were by act of parliament given to the Knights Hoſpitallers. In the intermediate ſpace, we find Temple Sowerby held by Robert lord Clifford by way of eſcheat. For by an inquiſition after the death of the ſaid Robert, who died in the year next after the diſſolution of the Templars, we find that the ſaid Robert died ſeiſed in his demeſne as of fee, of certain tenements in Temple Sowerby, as his eſcheats, by the diſſolution of the Templars; which he held of the king *in capite* by knights ſervice: And there were there 16 oxgangs of land in the hands of tenants at will, which paid yearly 3*l* 4*s* 0*d*. Eight cottages 20*s*. One water mill worth yearly 4*l*. Pleas and perquiſites of the court 6*s* 8*d*.

This manor, by the ſaid act of parliament, being transferred to the Hoſpitallers, continued in their hands till the diſſolution of the religious houſes in the reign of king Henry the eighth. Which ſaid king, by letters patent bearing date July 15, in the 35th year of his reign, granted to *Thomas Dalſton* eſquire (together with the manors of Brundholme, Uldale, Caldbeck-Upperton, and Kirkbride, late parcel of the poſſeſſions of Henry Percy earl of Northumberland, and divers other poſſeſſions in Cumberland, late belonging to the monaſtery of Holme) the whole manor of Temple Sowerby with the appurtenances in the counties of Weſtmorland and Cumberland, late belonging to the

* 2 Dugd. Mon. 558.

priory

priory of St. John of Jeruſalem, and parcel of the poſſeſſions of the late preceptor of the mount of St. John Baptiſt in the county of York: Except and reſerving all mines of lead and coal within the ſaid manor.

Which ſaid *Thomas Dalſton* was the eleventh in deſcent from the firſt of that name of Dalſton in Cumberland; and was the common anceſtor of the Dalſtons both at Dalſton and Temple Sowerby: And with him therefore we begin our pedigree of the Dalſtons at Temple Sowerby.

1. *Thomas Dalſton* of Dalſton eſquire had two wives: By the former wife he had iſſue who continued the deſcent in the direct line at Dalſton. By his ſecond wife, who was daughter and coheir of Thomas Carliſle, he had iſſue,

2. *Chriſtopher Dalſton* of Uldale eſquire; who married Mabel daughter of Sir John Lowther of Lowther. This Chriſtopher, about the 16 Eliz. had a diſpute with the tenants of Temple Sowerby concerning their cuſtom of tenant right; whereupon it was decreed by the lord preſident and council at York for the northern parts, with the conſent of the ſaid Chriſtopher, that for the ending of controverſies, a diviſion ſhould be made of the ſeveral meſſuages, lands, and tenements in Temple Sowerby, by arbitrators choſen for that purpoſe; who did thereupon award, that the tenants ſhould have their houſes and buildings, tofts, crofts, garths, and orchards to their ſeveral meſſuages and tenements belonging, with the moiety or one half of all their arable lands, meadows, feedings, commons, paſture, and other the premiſſes to their ſeveral meſſuages and tenements appertaining; and the ſaid Chriſtopher Dalſton thereupon to make them leaſes of their ſeveral meſſuages, lands, and tenements for 1000 years, reſerving the rent of four marks yearly, every one to pay according to the rate and quality of his farmhold.

The ſaid Chriſtopher had iſſue,

3. *Thomas Dalſton* of Uldale eſquire. He married Jane daughter of one Philips of Brignall in the county of York. He died in 1611; leaving iſſue,

4. Sir *Chriſtopher Dalſton* of Acorn Bank, who was knighted by king James in the year 1615, upon his return from his progreſs into Scotland. He married Anne daughter of Sir William Hutton of Penrith; and by her had iſſue, (1) John. (2) Thomas Dalſton of Ouſeby, who married Anne daughter of Richard Nevinſon of Newby eſquire. (3) Mary, married to Richard Crackenthorp of Newbiggin eſquire. (4) Dorothy, married to Sir William Carleton of Carleton-hall. (5) Barbara, married to James Bellingham ſon and heir of Alan Bellingham of Levins eſquire. (6) Anne, married to John Whelpdale of Penrith gentleman. (7) Suſanna, married to Edward Nevinſon of Newby eſquire.

5. *John Dalſton* of Acorn bank eſquire, ſon and heir of Sir Chriſtopher, married Lucie daughter and heir of Richard Fallowfield of Great Strickland eſquire; and by her had iſſue Chriſtopher, Thomas, John, George, William, and Charles; and five daughters, Elizabeth married to Anthony Ducket of Grayrigg eſquire, Frances married to Thomas Warwick of Warwick in Cumberland, Jane married to William Howard, Dorothy, and Margaret.—Thus ſtood the pedigree at Dugdale's viſitation in 1664.

The ſaid John died in 1692, at the age of 86 years.

In

In the chancel of Kirkby Thore church upon a mural monument, on a braſs plate, is inſcribed this epitaph:

" Subtus reconditur depoſitum mortale Johannis Dalſton de Acornbank infra comitatum Weſtmoriæ armigeri, filii Chriſtophori Dalſton equitis aurati. Dum in vivis erat, magnum ſe præbuit virtutum omnium exemplar, ſeræ poſteritati imitandum. Paternum genus duxit a Roberto de Dalſton, fratre Huberti de Vallibus et conſanguineo Radulphi de Micenis; cui Will. 1. conqueſtor dictus, Cumbriam dedit. Primam juventutem humanioribus literis imbuit collegium reginæ Oxoniæ; juris vero municipalis ſcientia hoſpitium Grayenſe quod Londini eſt. Patriæ reſtitutus, officia juſticiarii ad pacem, Locum tenentis deputati, viceconitis Cumbriæ, et nuntii ad parliamenta de Burgo Aballaba, bene et fideliter geſſit. Bello civili, quod exarſit A. D. MDCXLI, a partibus regiis fortiter ſtetit; pro ea, perduellionum rabie, gravia paſſus. Publicis negotiis maxime idoneus, intra privatam vitam ſe continuit: ſatius ducens, hoſpitalitatem inter vicinos colere; rem familiarem augere; ſibi ſuiſque ſapere. Matrimonio accepit Luciam filiam unicam et hæredem Richardi Fallowfield arm. de Melkinthorp intra agrum Weſtmoriæ, quæ maternum ſtemma habuit de familia de Lowther de Lowther-hall. Ex illa ſuſcepit filios filiaſque Chriſtophorum, Thomam, Georgium, Willielmum, Carolum; Elizabetham, Franciſcam, Janam, Dorotheam, Margaretam. Annorum et bonorum operum ſatur, animam Deo reſignavit, apud prædium ſuum de Millrigg, 13 die Aprilis menſis, A. D. MDCXCII, cum vixiſſet annos 86."

6. *Chriſtopher Dalſton* of Mill-rigg eſquire, ſon and heir of John, married Bridget daughter of Sir Henry Fletcher of Hutton baronet; and by her had iſſue John, Chriſtopher, and Henry.

7. *John Dalſton* of Acorn-bank eſquire, ſon and heir of Chriſtopher, married Lucy only daughter of James Cook of Stockton merchant; and by her had iſſue John and Chriſtopher.

In the old chapel at Temple Sowerby, before the ſame was taken down and rebuilt, was the following monumental inſcription:

" Here lies John Dalſton of Acorn-bank eſquire, a juſtice of the peace and " deputy lieutenant for the counties of Weſtmorland and Cumberland. He " was ſon and heir of Chriſtopher, who was ſon and heir of John, who was " ſon and heir of Sir Chriſtopher, who was ſon and heir of Thomas, who was " ſon and heir of Chriſtopher, who was third ſon of Thomas de Dalſton of Dal- " ſton-hall. He married Lucy the only daughter of James Cook of Stockton " merchant, by whom he had iſſue John and Chriſtopher: John ſurvived " him. He died in the 44th year of his age, 1° Jan. Anno Regni Reginæ " Annæ ſexto, Annoq; Dom. 1707."

8. *John Dalſton* of Acorn-bank eſquire, ſon and heir of John, died unmarried; and was ſucceeded by the next heir of the family, *viz.*

9. Sir *William Dalſton* knight, ſon of Henry third ſon of Chriſtopher above mentioned at N° 6. Which Sir William dying unmarried, was ſucceeded by his ſiſter and heir,

6

10. *Mary*,

10. *Mary*, wife of *William Norton* eſquire, who hath four daughters now living.

The paternal *arms* of this family are the ſame with thoſe of the Dalſtons of Dalſton, *viz.* Argent; a cheveron ingrailed, between 3 daws heads eraſed, Sable; armed, Or: With a creſcent for the younger brother charged upon the cheveron. The creſt; Out of a ducal crown Or, a falcon's head Proper.

The ancient manor houſe is *Acorn-bank* before mentioned, ſo called from the aſcent towards it being heretofore covered with oak wood, of which there are yet to be ſeen ſtumps of prodigious thickneſs. It is a neat houſe, much improved by the late John Dalſton eſquire; and the wood being now cleared away from before it, there is an extenſive and delightful proſpect of the country all about, except only towards the north.

The *chapel* at Temple Sowerby is lately rebuilt, in a very handſome manner. In the year 1338, there is an entry in the biſhop's regiſter of a confirmation of an old award made by Ralph de Irton biſhop of Carliſle, between the pariſhioners of Kirkby Thore and the inhabitants of Temple Sowerby; whereby it is declared, that the latter are and ſhall be (as they have ever been) free from contributing any thing towards the repairs of the church, belfrey, or churchyard walls at Kirkby Thore: Saving that if hereafter it ſhall be thought neceſſary to inlarge the nave or body of the church, they ſhall then bear a third part of the expence.—This order was revived in biſhop Kirkby's time, and he and his ſucceſſors are made guarantees of it.

In the valuation in the firſt fruits office in the 26 Hen. 8. the chapel of Temple Sowerby is rated at 20*s*, by a penſion from the rector of Kirkby Thore.

In the year 1656, Anne counteſs dowager of Pembroke purchaſed of Edward Nevinſon of Newby eſquire, for the ſum of 110*l*, an eſtate at Temple Sowerby, the profits whereof to be employed in keeping in repair the two tombs of her mother and herſelf in Appleby church, in repairing the ſchool at Appleby, the moot hall, and the bridge.

The *bridge* below Temple Sowerby over the river Eden was rebuilt in the year 1575; towards which, there was a ſubſcription of the gentlemen and other principal inhabitants of the county; more particularly of thoſe within (what were then called) the Eaſt and Middle Wards.

The ſaid bridge being carried away by an inundation in the year 1748, the ſame was then again rebuilt at the expence to the county of 550*l*. In taking up the frames under the old pillars, and digging deeper for a ſure foundation, the workmen found another frame underneath; both the frames of good oak, not in the leaſt decayed.

IV. MANOR OF MILBURNE.

North-eaſt from Temple Sowerby and Kirkby Thore, lies the manor of Milburne, ſo called probably from a water mill on the rivulet there. This is the moſt northern village in the county; and is divided from Blencarne in Cumberland by the water called Blencarne beck, which taketh its courſe by Newbiggin, Acorn-bank, and ſo into Eden, and divides all along in its courſe theſe two counties.

Milburne contains in it *Kirkhouſe*, a ſmall hamlet holden of the rectors of Kirkby Thore (unto which the name ſeemeth to refer), wherein the chapel is ſituate; *Gullom Holme*, another ſmall hamlet; *Milburne* and *Grange*, two handſome villages; which are all holden of *Howgill-caſtle*, the ancient ſeat of the lords of the manor.

The firſt account that we have of this particular manor, is in the reign of king John; which ſaid king granted to *William de Stuteville* the *Foreſt of Milburne*.

Afterwards *Nicholas de Stuteville* granted to *Robert de Veteripont* the whole village and grange of Milneburne, as William de Stuteville or his anceſtors had held the ſame.

The ſaid Robert granted part thereof to Shap abbey; namely, the whole village of the grange of Milneburne.

In the 3 Ed. 2. we find that earl *Patrick* of *Dunbar* held Milneburne of the Cliffords; that is, that part of it which had not been granted away to the abbey. And at the ſame time, Thomas de Halteclo and Adam Garnet held the reſidue (probably in the name of the abbey), rendring for the ſame 4 *l.*

And in the 8 Ed. 2. we find the ſame earl Patrick holding Milneburne; of which the wardſhip was rated at 6*l* 13*s* 4*d*, and the cornage was 21*s* 8*d*.

In the 43 Ed. 3. it was found by inquiſition, that *Bertrine de Johnby* and *Robert de Vallibus* had held the manor of Milneburne of one Patrick earl of Dunbar; which Patrick held the ſame of Robert de Clifford, and the ſaid Robert de Clifford held the ſame of the king *in capite* by knights ſervice. And afterwards the ſaid earl Patrick forfeited the ſame to king Edward grandfather of the preſent king, for adhering to Robert de Bruce king of Scotland, enemy of our lord the king.

After this came in the family of the *Lancaſters* (perhaps by grant from the crown after the ſaid forfeiture). In order to deduce which family, we muſt recur to the ancient barons of Kendal. *William de Lancaſter* the third of that name, baron of Kendal, had a baſtard brother (as we mentioned before), whoſe name was *Roger*. This *Roger de Lancaſter* had three ſons, *John*, *William*, and *Chriſtopher*. From *Chriſtopher* the youngeſt iſſued the family of the Lancaſters of Sockbridge. *John* the eldeſt, by the name of John de Lancaſtre of Holgill, in the 1ſt and again in the 2d of Ed. 3. was choſen to repreſent the county of Weſtmorland in parliament. He died in the 8 Ed. 2. without iſſue male; whereupon his eſtate went over to the next heir male of

the family, namely, to *John de Lancaſter*, ſon of the ſecond brother *William*. This *John de Lancaſter* died in the 25 Ed. 3. and was ſucceeded by his ſon,

Sir *William de Lancaſter* of Howgill knight. This Sir William, in the 33 Ed. 3. had a licence from the biſhop of Carliſle for a chaplain for that year in his family. He died in the 22 Ric. 2. leaving iſſue,

Sir *William*; who died in the 8 Hen. 4. leaving iſſue,

Sir *John de Lancaſter* of Howgill knight. In the 8 Hen. 4. and again in the 9 Hen. 5. he repreſented the county of Weſtmorland in parliament.

In the 10 Hen. 5. by the inquiſition *poſt mortem* of John lord Clifford, the jurors find, that *John de Lancaſtre* held the manor of Milneburn, by the cornage of 21*s* 8*d*; and alſo divers lands and tenements there, for which he paid 4*l* for all ſervices. This Sir *John* died in the reign of Hen. 6. leaving four daughters coheirs, 1. *Chriſtian*, married to Sir Robert de Harrington knight. 2. *Iſabel*, married to Sir Thomas le Fleming of Coniſton knight. 3. *Margaret*, married to Sir Matthew de Whitfield knight. And, 4. *Elizabeth*, married to Robert de Crackenthorp eſquire, a younger brother of the Crackenthorps of Newbiggin. And in the partition of the eſtate, in the 16th year of the ſame king, *Chriſtian* and *Elizabeth* were to have the manors of Depedale, Blencoyne, Holgyl, and Knock Salcok, and the lands there, as alſo in Milneburn and Lowenthwaite; and *Margaret* and *Iſabel* were to have the manor of Rydal, and all the lands and tenements in Rydal and Loughrigg.——The arms of theſe Lancaſters were; Argent, two bars Gules, on a canton of the ſecond a lion paſſant guardant Or.

In the diviſion between *Chriſtian* and *Elizabeth*, *Howgill* fell to *Elizabeth*, who thereupon brought the ſame in marriage to *Robert de Crackenthorp*.

This *Robert* had a ſon *Ambroſe Crackenthorp* eſquire; which Ambroſe was one of the arbitrators in the 5 Hen. 8. between the chantry prieſt of Appleby and Hugh Machel of Crackenthorp gentleman, concerning the ſaid Hugh's beating the ſaid chantry prieſt. The ſaid Ambroſe died without iſſue male; and was ſucceeded by his brother,

Anthony Crackenthorp of Howgill eſquire; who had only three daughters, *Anne*, *Margaret*, and *Cicely*.

Of whom *Anne* the eldeſt, who had Howgill for her purparty, was married to Sir *Thomas Sandford* of Aſkham knight; and thereby brought this manor to the *Sandfords*.

This Sir *Thomas Sandford*, by his wife *Anne Crackenthorp*, had a ſon *Thomas* who ſucceeded him at Aſkham; a ſecond ſon *Henry*, who married Agnes daughter of Gervaſe Strickland; and a third ſon, *viz.*

Richard Sandford eſquire, who removed to Howgill-caſtle. He married Anne daughter of John Warriner of Helſington, and by her had 18 children; of whom, the eldeſt was,

Sir *Thomas Sandford* of Howgill knight; who died without iſſue: And was ſucceeded by his brother,

Sir *Richard Sandford* of Howgill knight; who married Anne daughter of Henry Crackenthorp of Newbiggin eſquire, and widow of Pennington of Seaton. He had iſſue,

Sir *Thomas Sandford* baronet; who married Bridget daughter of Sir George Dalſton of Dalſton knight, and had iſſue Richard, George, William, Anne, Elizabeth, and Catharine, beſides ten other children who died young.

Sir *Richard Sandford* baronet, ſon and heir of Sir Thomas, married Mary daughter of Sir Francis Bowes knight, and had iſſue Mary and Richard. He was murdered at London, Sept. 8, 1675, by Henry Symbal and William Jones, who were executed for the ſame; of which there was a printed account in the year 1680.

Sir *Richard Sandford* baronet, ſon of the laſt Sir Richard, was born (it is ſaid) in the very ſame hour in which his father died. He died unmarried; and was ſucceeded by his ſiſter and heir,

Mary; who was married to *Robert Honywood* of Mark's Hall in Eſſex eſquire, and had iſſue *Richard*, *John*, and *Philip*. *Richard* left iſſue a ſon, who died in his minority. *John* died without iſſue. Whereupon the inheritance deſcended to the third brother, the preſent owner, *viz.*

Philip Honywood eſquire lieutenant general of his majeſty's forces.

HOWGILL CASTLE, which is the manor houſe, is a fair building, which ſtands high on the ſkirts of the mountains in the eye of the country, and hath a large proſpect to the ſouth and ſouth-weſt; but is ſhut up by mountains on the north. The walls were formerly, and ſome of them are yet, 10½ foot thick (which exceeds the dimenſion of the Picts wall, which was only 8 or 9 foot). And underneath the dwelling-houſe (to which they aſcended by ſtairs on the outſide) were vaults and cellars, arched over with ſtone; which was the common way of building in the northern parts, whilſt they were in continual apprehenſions of the Scots; and ſerved not only to the uſe which they are now put to, but to keep their horſes and cattle ſecure.

In this manor, near to a place called *Green Caſtle* (which is a round fort with deep trenches about it, on the ſouth end of Dunfell) was an *altar* found with this inſcription, DEO SILVANO.

In the mountains are outburſts of *coals*, which the country people ſometimes pick out for burning lime. There is alſo *lead* ore, which diſcovers itſelf in the banks of rivulets.

Beſides the *chapel*, there ſeems to have been a *chantry* at Milburne. For Robert de Veteripont gave Milburne Grange aforeſaid to Shap abbey, for the purpoſe of eſtabliſhing a chantry *(pro cantaria facienda)*; and the chapel was there before, as appears from the grant of Adam de Kirkby Thore to the ſaid Robert. But it is not unlikely, that this nevertheleſs might be intended as an augmentation to the chapel; and that for the ſaid benefaction, the abbot and convent ſhould find a chaplain, who, beſides the ordinary ſervice, ſhould alſo pray (as uſual) for the ſouls of the founder and his kindred. And it ſeemeth, that out of the ſaid grange the abbey was to pay for the purpoſe aforeſaid 4*l* yearly, that being the ſum ſpecified in the inquiſition in the 3 Ed. 2. aforeſaid:

Which was a conſiderable ſum in thoſe days. And this could not be any ſum payable to the Cliffords as lords paramount of the manor; for the whole cornage of the whole manor was only 21*s* 7*d*.

But if this was the caſe, the abbey had found ſome means to throw this charge upon the rector; for in the valuation in the firſt fruits office, in the 26 Hen. 8. the chantry at Milburne is ſaid to be worth yearly 4*l*, in a penſion by the rector of Kirkby Thore.

And in the reign of queen Elizabeth this appears to have been advanced further; for in the accounts of the profits of the rectory in the years 1572 and 1573, there is ſet down as a deduction, to Sir John Spedding curate at Milburne, for each year 4*l* 13*s* 4*d*.

This chapel hath been twice augmented by the counteſs dowager Gower, with 200*l* each time, which procured 400*l* from the governors of queen Anne's bounty, wherewith lands were purchaſed in Dillaker, Firbank, Howgill, and Bolton, of the preſent yearly value of 34*l*.

In the ſaid chapel, in what is called the Sandford ile, there is a monument of Anne wife of Richard Sandford of Howgill-caſtle eſquire aforeſaid, who had 18 children, and died Jan. 29, 1605.

PARISH OF BROUGHAM.

Paſſing over the river Eden, we come to the pariſh of BROUGHAM, at the north-weſtern extremity of the county; which we ſhall treat of under the following heads:

I. *Pariſh of Brougham.*
II. *Manor of Brougham.*
III. *Brougham Caſtle.*
IV. *Whinfell Park.*
V. *Hornby.*
VI. *Winderwath.*
VII. *Woodſide.*

I. PARISH OF BROUGHAM.

BROUGHAM, *Burg-ham* (or Caſtle-town), was the *Brovacum* of the Romans, where they had a company of *Defenſores*; and many Roman antiquities have been found here. Mr. Horſley mentions an altar which was found here in 1602, near the confluence of the rivers Eamont and Lowther; with this inſcription:

IMP.

IMP.	Imperatori
C. VAL	Cæſari Valerio
CONST ANTINO	Conſtantino
PIENT	Pientiſſimo
AVG.	Auguſto.

And another, taken notice of by Burton and Gale; which Mr. Horſley reads thus:

DEABVS MATRIBVS	Deabus Matribus
TRAMAR. VEX. GERMA NORVM PRO SALVTE	Tramarinis vexillatio Germanorum pro ſalute
RP. V. S. L. M.	Reipublicæ, votum ſolvit libens merito.

The *pariſh* of Brougham is bounded on the eaſt by the pariſh of Kirkby Thore; on the ſouth, by the pariſhes of Clibburn and Clifton; on the weſt, by the pariſhes of Barton and Penrith; and on the north, by the pariſh of Edenhall.

It is a *rectory*, valued in the king's books at 16*l* 10*s* 7½*d*; in the patronage of the earl of Thanet.

The *church* of Brougham ſtands in a beautiful ſituation, nigh the river Eamont, at a great diſtance from any inhabitants; one half of the village having been purchaſed (as will appear afterwards) by the owners of Whinfell park, to inlarge their boundary on that ſide; after which, for the eaſe and benefit of the inhabitants of the oppoſite part, on that ſide next unto the caſtle, the *chapel* ſeems to have been erected. Of which remaining part, Mr. James Bird, about a century ago, purchaſed a conſiderable number of tenements, to make room for his demeſne. So that now there are not much above 20 families in the whole pariſh.

The church is vulgarly called *Ninekirks*, ſuppoſed to have been dedicated to *St. Ninian*, a Scottiſh ſaint, to which kingdom probably this church did belong at the time of the dedication: It is ſometimes called the church of *St. Wilfrid:* Thus one Thomas de Derby, rector of Brougham in the reign of king Edward the third, bequeathed his body to be buried in the church of *St. Wilfrid de Burgham.* And in the year 1637, Sir Robert de Wolflay, rector of Merton, in his will requeſted, that his body might be interred in the church of *St. Wilfrid de Burgham*, and bequeathed 26*s* 8*d* to purchaſe a book for the ſaid church. So that we muſt either ſuppoſe that the Scots had one tutelar ſaint of the church, and the Engliſh another; or rather perhaps that this latter is the ſaint of the *chapel*, which indeed is not ſo properly a chapel of eaſe under the mother church, as another church (as it were) within the ſame pariſh; for there is not the rector to officiate in the pariſh church, and a curate in the chapel, but the rector officiates in both at different times and on different occaſions.

In the year 1393, it is ſaid that there was an agreement between Thomas Reding lord of the manor of Brougham, and Edward Skelling then rector, concerning

concerning frequent prayers to be had in the chapel of Brougham; that from thenceforth all manner of ſacraments of the church ſhall be adminiſtred at the chapel of Brougham, except burial; that on Chriſtmaſs-day in the morning ſhall be ſong and maſs at the chapel, then after to go to the church to the high maſs and offering; on eaſter-day in the morning at the chapel mattins with reſurrection and one ſoling maſs for ſervants and old aged perſons and ſick perſons, and all the reſidue to go to the church to the high maſs (and ſo of the reſt). That the parſon ſhall find two ſeargies afore St. Wilfrey, on his own proper coſts. For which ſervices, Thomas Reding, lord of the manor, gave to the chapel at Brougham and parſon of the church and his ſucceſſors, one tenement as it lies at the weſt end of Brougham, with the garths about the chapel, within the precincts of the wall and no farther, with the woods and waſtes and all the commodities within belonging; with one acre of land arable on the ſouth ſide, as the plough head goes no farther *.

This church and chapel being both much in decay, the counteſs of Pembroke, in the years 1658 and 1659, pulled them wholly down and rebuilt the ſame, more handſomely and ſtrongly, all at her own coſt.

There was a diſpute in biſhop Nicolſon's time, concerning the repair of this chapel. Mr. Bird, the owner of the houſe and demeſne adjoining, contended that the rector ought to repair the ſame; for that it was built (he alledged) at the rector's requeſt to the biſhop, on conditions to that purpoſe. It is indeed much nearer to the parſonage houſe than the church itſelf is; and whilſt the town of Brougham had a being, was more convenient for the greateſt part of the pariſh. But the village being demoliſhed, and the lands ſwallowed up in that demeſne, and none being likely hereafter to dwell at the caſtle, the owners of that demeſne are chiefly accommodated by it. The lands about it, formerly the parſon's, were alſo exchanged (for others nearer to the reſt of the glebe) into the demeſne. So that the owner of the demeſne the biſhop thought moſt juſtly liable to the repair (unleſs it ſhould be thought fit to let the chapel go down).

One Gilbert de Burgham in the time of king John or Henry the third, gave half of the village of Brougham, with the *advowſon* of the church there, to his lord *Robert de Veteripont*, of whom he held in Drengage, that the other half might be free from that ſervice. And the heirs of the ſaid Robert have held the advowſon ever ſince.

In the year 1310, which was the 4 Ed. 2. one *Robert de Appleby* was inſtituted to the rectory of Burgham, on the preſentation of Sir Robert de Clifford knight.

* This account was taken from the papers of Thomas Brougham eſquire: Whereof biſhop Nicolſon ſomewhat doubts the authenticity; perhaps his reaſon might be, becauſe there are ſome incumbents of churches mentioned as witneſſes, who are not to be found in the biſhops regiſters of thoſe times. The witneſſes are, William Engane and Mald his wife, William Hill his chaplain, Thomas Britton parſon of the church of Caldbeck, Thomas Mercer chaplain, John Weſton chaplain, William Hornby, Henry Skelling de Brougham, Stephen Meyburn chaplain, Thomas Whinfell chaplain, Henry Kirkby chaplain parſon of Merton, John Pray vicar of Morland [There was one John del Bray, vicar of Morland about that time], Edward Skelling parſon of Brougham, Richard Tyndall, John Tyndal, Simon Hawell, William Haywell, and others.

In

In 1355, Sir *Thomas*, rector of Brougham, was (amongſt others) required by the biſhop to pronounce the greater excommunication againſt certain perſons who had broken up a paved way, and committed other outrages in the churchyard of Penrith.—And two years afterwards, we find a diſpenſation granted to *Thomas del Cloſe* (probably the aforeſaid Sir *Thomas* rector of Brougham), to be abſent from his living, ſo long as he attends on the lord Clifford.

In 1362, on the death of Thomas del Cloſe, *Thomas de Derby* was inſtituted on the preſentation of Roger de Clifford lord of Weſtmorland.

In 1365, on the reſignation of Thomas de Derby, *John de Merton* was inſtituted to the ſaid rectory of Brougham, on the preſentation of the ſaid Roger de Clifford—And two years after, on the reſignation of the ſaid John de Merton, the aforeſaid *Thomas de Derby* was preſented *de novo*, and reinſtituted.

In 1393, *Edward Skelling* is ſaid to have been rector, when the aforeſaid compoſition was made concerning the chapel.

In the year 1575, one *John Wansford*, rector of Brougham, was deprived; and was ſucceeded by *Thomas Burton*, on the preſentation of Henry Appleton of Roſe gentleman, grantee of that turn from Anne counteſs dowager of Cumberland.

In 1583, on the reſignation of the ſaid Thomas Burton, inſtitution was given into the rectory of *Browgham*, alias *Ninekyrkes*, to *Cuthbert Bradley*, on the preſentation of George earl of Cumberland.

In 1624, on the Death of Cuthbert Bradley, *Chriſtopher Beecroft* was inſtituted, on the preſentation of Francis earl of Cumberland, and Henry lord Clifford his ſon and heir apparent.

In 1629, *William Crackenthorp* was inſtituted on the preſentation of the ſaid Francis earl of Cumberland.

In 1644, *Arthur Savage*, M. A. was diſpoſſeſſed of this living, and about three years after he got it again, and kept it till the year 1655, but without receiving any of the profits all that time, except for one year *.

In 1664, one *Anthony Savage* reſigned the rectory of Brougham, whereupon *Samuel Graſty*, M. A. was preſented by Anne counteſs dowager of Dorſet, Pembroke, and Montgomery.

In 1680, *Rowland Borrow*, M. A. was inſtituted on a preſentation by Richard earl of Thanet.

In 1708, *John Atkinſon*, M. A. was preſented by Thomas earl of Thanet.

In 1713, *Carleton Atkinſon*, M. A. was preſented by the ſame patron.

In 1722, on the ceſſion of Carleton Atkinſon to Kirkby Thore, *William Preſton* clerk was preſented by the ſaid Thomas earl of Thanet.

In 1770, on the death of William Preſton, *Richard Machel*, M. A. was preſented by Sackville earl of Thanet.

* Walker's Sufferings of the Clergy, part 2d, page 372.

II. MANOR OF BROUGHAM.

Having finiſhed the matters relating to the church, we proceed next to the hiſtory of the *manor*.

In the 22 Hen. 2. *Odard de Burgham* was one of thoſe officers (being the third in command) who were fined for delivering up Appleby-caſtle to the Scots; and was then probably lord of this manor.

For, in the next generation, in the time of king John, or beginning of the reign of king Henry the third, we find *Gilbert de Burgham* (ſon of *Odard* as it may ſeem) who ſold the advowſon as aforeſaid to *Robert de Veteripont* his ſuperior lord.

The next account that we have of it is in the reign of king Edward the firſt, when it appears to have been divided into three parts; for in the partition of the Veteripont inheritance between the two daughters of the laſt Robert de Veteripont, Idonea the younger daughter had aſſigned to her the homage and ſervice of *Chriſtiana de Burgham*, *William de Crackenthorp*, and *Henry Rydin*; which two laſt ſeem to have married two ſiſters of *Chriſtiana*.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *John Godberd*, *William Crackenthorp*, and *Henry de Reddings*, then held the manor of Burgham; of which manor, the wardſhip when it ſhould happen was rated at 3*l* 6*s* 8*d*, and the cornage 13*s* 6*d*.

In the 11 Ed. 3. *John de Redding* and Agnes his wife ſuffered a recovery of lands in Burgham.

In the 18 Ed. 3. after the death of Robert de Clifford ſon of the aforeſaid Robert, *William de Crackenthorp*, *John Tyndal*, and *John Trotter* held the manor of Burgham.

In the 43 Ed. 3. by an inquiſition after the death of one *John Cuthberd* [perhaps a deſcendent of *Godberd* above mentioned; for the name, in the tranſcript, at ſuch a diſtance of time may eaſily be miſtaken] it appears, that the ſaid John Cuthberd held of Roger de Clifford lord of Weſtmorland, in the town of Brougham, the third part of the manor of Brougham and 40 acres of land, by cornage, and by the ſervice of paying yearly for *puture* of the foreſters of the ſaid Roger 2*s* in money, and 3 quarters and 3 buſhels of oats, and by the ſervice of paying yearly to the maintenance of the king's bailiff for the time being 10*d*: And that *John Ferneſyde* was his heir.

In the 2 Ric. 2. there is a bounder roll of the manor, which is ſet forth as having been then agreed upon by the aſſent of Roger de Clifford and *John Burgham*.

In the 15 Ric. 2. after the death of the ſaid Roger de Clifford, the inquiſition finds, that *John de Tyndal* and *William de Crackenthorp* held two parts of the manor of Burgham, by the cornage of 13*s* 6*d*.

In the 17 Ric. 2. the aforeſaid compoſition concerning the ſervice to be performed in the chapel is ſaid to have been made by *Thomas Reding* lord of the manor of Brougham.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that *John de Lancaſtre* and *Katherine* his wife, and *John de Crackenthorp*, held two parts of the manor of Burgham, as in the right of the ſaid Katherine and John de Crackenthorp. The third part, in the 16 Hen. 6. was given by *Johan Teaſdale* widow, to *Henry Bird*, in marriage with her daughter *Johan*.

In the 31 Hen. 6. *John Burgham*, *John Crackenthorp de Newbiggin*, and *John Byrde* held the vill of Burgham.

In the 10 Hen. 7. by an inquiſition on a Quo Warranto it was found, that *John Burgham* died ſeiſed of the manor [*i. e.* one third part, as it ſeemeth] of Burgham, and was ſucceeded by his ſon *John Burgham*.

By a rental of the eſtate of Henry lord Clifford in the 20 Hen. 7. *John Crackenthorp* paid for ſuit of county for Burgham 11 *s*, *William Byrde* for the ſame 1 *s*, and *John Burgham* for the ſame 11 *s*.

By a rental of Henry earl of Cumberland in the 18 Hen. 8. *Chriſtopher Burgham*, *John Crackenthorp*, and *William Bird* held Brougham, by the cornage of 13 *s* 6 *d*.

In the 1 and 2 Ph. and Mary, *Margaret* wife of *William Crackenthorp*, and *John* their ſon and heir, *Thomas Burgham*, and the widow of *Henry Byrde*, held Burgham.

This *Thomas* had a ſon *Henry*; who (as appears from the pariſh regiſter) had a ſon *Thomas*; which Thomas ſon of Henry was laſt in the male line of that branch at Brougham. He died in the 5 Ja. 1. leaving two ſiſters coheirs; of one of whom (Margaret) there is a monument in the church at Kirk Oſwald, by which it appears that ſhe died two years after her brother.

At this time, one third of the manor remained in the name and family of *Bird*; one other third part had been ſold a few years before, namely, in the 4 Ja. 1. to *Agnes* widow of *William Fleming* of Rydal eſquire, which was afterwards purchaſed by *James Bird*; the other third part was ſold to *William Wright* a farmer at the caſtle houſes, whoſe ſon *Alexander* ſold the ſame to *James Browne* of Martindale one of Oliver Cromwell's captains, who ſold to the counteſs of Pembroke, who in the year 1654 ſettled the ſame, together with the hoſpital of St. Nicholas, in truſtees, for the maintenance of her hoſpital at Appleby, and to pay 4 *l* yearly to the poor of the pariſh of Brougham; reſerving to herſelf and her heirs owners of Appleby caſtle, all rights, dues, and payments, whether it be netegeld, foſter hens, ſerjeant oats, or other due.

And two years after this, the ſaid counteſs cauſed a fair ſtone pillar to be erected by the way-ſide nigh Brougham, with this inſcription, "This pillar "was erected, A. D. 1656, by the right honourable Anne counteſs dowager "of Pembroke, and ſole heir of the right honourable George earl of Cum-"berland; for a memorial of her laſt parting in this place with her good and "pious mother, the right hononrable Margaret counteſs dowager of Cum-"berland, the 2d of April 1616. In memory whereof, ſhe alſo left an an-"nuity of 4 *l*, to be diſtributed to the poor within this pariſh of Brougham, "every 2d day of April for ever, upon the ſtone here by. Laus Deo."

Finally, in the year 1676, by indenture between James Bird of Brougham gentleman of the one part, and the honourable John Tufton of Bolebrooke in

in the county of Suſſex eſquire (grandſon of the ſaid counteſs), John Dalſtone of Milrigge, in the county of Cumberland eſquire, Thomas Dalſtone of Penrith in the ſaid county of Cumberland eſquire, and Samuel Graſty of Brougham aforeſaid clerk of the other part, ſetting forth, that whereas the ſaid John Tufton had granted to the ſaid James Bird all that the manor or third part of the manor of Brougham, heretofore the lands of William Wright and James Browne gentleman, or of one of them, and which the late Anne counteſs dowager of Pembroke purchaſed of him the ſaid James Browne, and alſo divers other cuſtomary meſſuages and tenements, parcel of the ſaid manor or third part of the ſaid manor as aforeſaid, with all mines, quarries, rents, fines, boons, ſervices, and other appurtenances (excepted nevertheleſs the capital meſſuage and demeſne lands called Hoſpital lands, parcel of the ſaid manor); He the ſaid James Bird grants an annuity or rent charge of 4*l*, iſſuable out of certain lands at Yanwith therein mentioned, to be yearly paid on March the 25th at the chapel of Brougham, and diſtributed by the miniſter and churchwardens of the pariſh of Brougham on the 2d day of April yearly amongſt the poor people of the ſaid pariſh of Brougham, at a certain pillar lately erected in a place there called Winter Cloſe, by the ſaid late counteſs dowager of Pembroke deceaſed.

So that now the manor of Brougham, which for about 350 years had been held ſeparate in three diviſions, became again united in the name and family of *Bird*.

This family came from Burd Oſwald in Gilleſland, and firſt got footing at Brougham in the reign of Hen. 6. as aforeſaid, by marriage of the heireſs of the owner of one of the three diviſions. There is no certain pedigree of the family. The laſt of the name at Brougham was the aforeſaid James Bird, who was ſteward to the earl of Thanet. He made a conſiderable collection of matters relating to the tenures of the ſeveral manors holden under the lords of Weſtmorland, chiefly from the evidences at Appleby caſtle; of which one copy now remaineth at Rydal hall: Other collections he made relating to divers matters of antiquity in both the counties of Cumberland and Weſtmorland, unto which biſhop Nicolſon ſometimes refers; which, it is feared, are now all loſt.—This James Bird had nine ſons, who all arrived at man's eſtate; yet he died without an heir male. And the eſtate was ſold to John Brougham eſquire of a younger branch of the ancient family of that name in this place, who had removed to Scales in Cumberland, and by this purchaſe returned to Brougham.

We have met with no authentic account of the pedigree of this family of Brougham. There was a pedigree of the Scales branch certified at Sir William Dugdale's viſitation of Cumberland in 1665; but it was reſpited for exhibiting the arms and proofs. It conſiſted only of four generations, of *Peter*, *Henry*, *John*, and *Henry*; and amongſt theſe, *John*, (who is ſaid to have married a Fleming) is evidently miſtaken; for that gentleman's name was *Thomas*.

According to our account of the manor, as above ſet forth, an hiſtory, though not a regular pedigree, of the family, may be deduced as follows:

22 Hen. 2. *Odard de Burgham* was an officer at Appleby caſtle under Goſpatric ſon of Orme.

In the next generation *Gilbert de Burgham* was lord of the manor of Burgham, and gave one half (as aforeſaid) of the village to have the other freed from Drengage.

About the 14 Ed. 1. *Chriſtiana de Burgham* held a third part of the ſaid manor.

In the 35 Ed. 3. *John de Burgham* was ſheriff of Weſtmorland under Robert lord Clifford.

2 Ric. 2. *John Burgham* had part of the manor.

31 Hen. 6. *John Burgham* had a third part.

10 Hen. 7. *John Burgham* died, and was ſucceeded by his ſon *John.*

18 Hen. 8. *Chriſtopher Burgham* held a third part.

1 and 2 Ph. and Mar. *Thomas Burgham* held the ſame.

In the 5 Eliz. *Henry Brougham* was in poſſeſſion of the family eſtate at Brougham, and had a ſuit in chancery with Thomas Bird concerning ſome lands called Newlands. In the 10 Eliz. he conveyed ſome lands to the ſaid Thomas Bird.

In the 27 Eliz. *Thomas Brougham* was in poſſeſſion, having in that year ſold certain lands at Brougham to Thomas Anſon. In the 28 Eliz. he ſold ſome lands to James Bird; and in the 5 Ja. 1. he died, leaving two ſiſters coheirs.

Next we come to the pedigree certified to Sir William Dugdale; which, with ſome neceſſary alterations made by Sir Daniel Fleming, is as follows:

Peter Brougham of Scales (or rather, as it ſeemeth, of Blackhall; for the eſtate at Scales was not in the family till the time of Peter's ſon Henry, who purchaſed it of the Southaiks) was of a younger branch of the Broughams of Brougham, and probably was younger ſon of the laſt Henry.

Henry Brougham of Blackhall gentleman, ſon of Peter. He married firſt a daughter of Wharton of Kirkby Thore, and by her had iſſue a daughter Jane married to Aglionby. To his ſecond wife he married Catherine daughter of Fallowfield of Melkanthorp, and by her had iſſue,

Thomas Brougham of Scales gentleman; who married Mary daughter of Daniel Fleming of Skirwith eſquire, and by her had iſſue Henry, Toby, Thomas, Chriſtopher, William, John, and a daughter Agnes married to Anthony Wybergh of Clifton gentleman.

Henry Brougham of Scales gentleman, ſon and heir of Thomas, married Mary daughter of William Slee of Carliſle merchant; was of the age of 37 at the time of the aforeſaid viſitation; and had iſſue Agnes, Thomas, Henry, William, Jane, Barnard, John, Mary, Matthias, Peter, George, and Samuel.

Of theſe, all the ſons, except Peter and Samuel, died without iſſue. John the fifth ſon, commonly called commiſſioner Brougham, purchaſed the eſtate of James Bird's grandchildren, and by his will intailed it upon his four nephews, according to ſeniority, and their iſſue male; *viz.* Henry Richmond Brougham, and John Brougham, ſons of his brother Peter; and John and Henry, ſons of his brother Samuel. Of whom, Henry Richmond Brougham died

died in 1749 without iſſue; his brother John died before him: John ſon of Samuel died in 1756, without iſſue male; whereby the eſtate came to his brother, the preſent owner, Henry Brougham eſquire.

The *arms* of Brougham are; Gules, a cheveron between three luces Argent.

III. BROUGHAM CASTLE.

The CASTLE of Brougham, ſeparate from and independent of the manor, hath been all along held by the Veteriponts, Cliffords, and their deſcendents.

After the death of John de Veteripont, during the minority of his ſon, who was ward to the prior of Carliſle, we find by an inquiſition then taken, that the ſaid prior had ſuffered the walls and houſe of Brougham to go to decay for want of repairing the gutters and roof; that a certain bercary (or ſheepfold) was fallen down for the length of fiveſcore feet, for want of ſupport; that the timber was alienated; and one forge reduced to nothing by the neglect of repairs.

The firſt Roger lord Clifford built the greateſt part of this caſtle; over the inner door of which he placed the aforeſaid inſcription, "This made Roger."

By the inquiſition after the death of Robert ſon of the ſaid Roger, it was found, that he died ſeiſed of the caſtle of Brougham, with eightſcore acres of arable land, worth yearly 4*d* an acre; and 40 acres of meadow worth 12*d* an acre: That he had no meſſuages there, but only three coterells (for that he was not lord of the vill), each of which coterells was worth 12*d* yearly: That he had there alſo one water mill, worth 20*s* yearly.

Roger de Clifford, grandſon of the ſaid Robert, built the greateſt part of this caſtle next unto the eaſt, where he cauſed his own arms, together with thoſe of his wife Maud Beauchamp daughter of the earl of Warwick, to be cut in ſtone. There is a pond called Maud's Pool, which bears her name to this day. By an inquiſition after her death, in the 4 Hen. 4. the jurors find, that the caſtle of Brougham and demeſne thereto belonging were worth nothing, becauſe they ſay it lieth altogether waſte, by reaſon of the deſtruction of the country made by the Scots; and that the whole profit of the caſtle and demeſne is not ſufficient for the reparation and ſafe keeping of the ſaid caſtle.

By the inquiſition after the death of John de Clifford, in the 10 Hen. 5. the jurors find, that belonging to the ſaid caſtle there is a certain rent of 20 quarters of oats, and 30*s* ſterling to be received yearly out of the vills of Clyburne, Wynanderwath, and Brougham: Which rent, as well of oats as of money, together with the cuſtody of the office of head foreſter of Whinfell, are granted to Chriſtopher de Moreſby for life, the reverſion to Thomas ſon and heir of the ſaid John de Clifford and his heirs. And they ſay, that to the ſaid caſtle belong 22 quarters of oats to be paid yearly out of the manor of Clyfton.

Francis

Francis earl of Cumberland entertained king James the firſt at this caſtle on the 6th, 7th, and 8th of Auguſt in the year 1617, in his return from his laſt progreſs into Scotland.

The ſaid caſtle having been again deſolated in the civil wars, Anne counteſs of Pembroke repaired the ſame, and cauſed the following memorial thereof to be cut in ſtone in capital letters: "This Brougham caſtle was repaired by the "ladie Anne Clifford, counteſſe dowager of Pembrooke, Dorſett, and Mont-"gomery, baroneſſe Clifford, Weſtmerland, and Veſeie, ladie of the honour "of Skipton in Craven, and high ſheriffeſſe by inheritance of the countie of "Weſtmerland in the yeares 1651 and 1652, after it had layen ruinous ever "ſince about Auguſt 1617, when king James lay in it for a time in his journie "out of Skotland towards London, until this time.

"Iſa. Chap. 58. Verſe 12.

"God's name be praiſed."

Since her time this caſtle hath partly gone to decay, and partly been demoliſhed by the owners; and now lies totally in ruins.

IV. WHINFELL PARK.

Together with the caſtle, hath been enjoyed the ancient park and chace called *Whinfell.*

In the diviſion of the patrimony between the two daughters of the laſt Robert de Veteripont, the elder daughter's ſhare hereof is deſcribed to be, half of the foreſt of Qwynnefel, in herbage, agiſtment, wood ſold, and all other iſſues, worth 23*l* 3*s* 3½*d per annum*; and the younger daughter's ſhare half of the foreſt of Qwynnefel on the outſide of the park and coney warren lying towards Wynanderwath, worth alſo 23*l* 3*s* 3½*d per annum.*

By the inquiſition after the death of Robert de Clifford in the 8 Ed. 2. the jurors find, that he died ſeiſed of one park incloſed, the herbage whereof was worth yearly 5*l*, and the herbage without the park (with the agiſtment and other profits in the wood of Quinfell) 7*l* 3*s* 4*d*, turbary 4*s*, pleas and perquiſites of the court 13*s* 4*d.*

In the 10 Hen. 5. after the death of John de Clifford, the jurors find, that belonging to the ſaid caſtle there is a wood called the Outewod of Whinfell, containing 140 acres of wood worth 2*d* an acre *per annum*, and 40 acres of paſture worth 1*d* an acre; which are called Blauncheland, Goryneholme, and Barrykholme.

There were here anciently oak trees of prodigious growth, particularly three that were called the Three Brothers; the ſkeleton of one of which yet remaineth, about 13 yards in circumference, a conſiderable way from the root.

John de Veteripont gave to the priory of Wetheral, for the health of the ſoul of himſelf and of Sibil his wife, 20 cart loads of fire wood yearly out of his foreſt of Wynfel.

In the time of the firſt Robert de Clifford, in the year 1333 or 1334, Edward Baliol king of Scotland came into Weſtmorland, and ſtayed ſome time

with the ſaid Robert at his caſtles of Appleby, Brougham, and Pendragon. And during that time, they ran a ſtag by a ſingle greyhound out of Whinfell park to Red Kirk in Scotland and back again to this place; where, being both ſpent, the ſtag leaped over the pales, but died on the other ſide, and the greyhound attempting to leap, fell, and died on the contrary ſide. In memory of this fact the ſtag's horns were nailed upon a tree juſt by, and (the dog being named Hercules) this rythme was made upon them:

Hercules kill'd Hart a-greeſe,
And Hart a'greeſe kill'd Hercules.

And the tree to this day bears the name of Hart-horn tree *. The horns in proceſs of time were almoſt grown over by the growth of the tree, and another pair was put up in their place.

A court-leet is held within this foreſt, by the ſtyle of the court of the manor of *Oglebird*; but from what original we have not been able to diſcover: Nor hath the word occurred in any record or other evidence that hath fallen under our notice; ſave only, that one of the incloſures belonging to the eſtate purchaſed by the counteſs of Pembroke at Temple Sowerby, is called *Oglebird* bank.

V. HORNBY.

Within this pariſh of Brougham is HORNBY, which continued for a conſiderable time in the name of the *Birkbecks*: having been granted in the 6 Ed. 6. by Henry earl of Cumberland to *Edward Birkbeck*.

In the 3 and 4 Ph. and Mary, *Edward Birkbeck* of Hornby gentleman was a truſtee of a third part of the manor of Brampton, for the uſe of the family of Backhouſe of Morland.

The pedigree certified at Dugdale's viſitation in 1664, was as follows:

1. *Thomas Birkbeck* of Hornby, gentleman, married a daughter of a younger branch of the Lancaſters of Sockbridge; and had a ſon and heir,

2. *Edward Birkbeck* of Hornby eſquire; who married Bridget daughter of John Calvert of Cockeram in the county of Lancaſter. [Of this family, and probably ſon of this Edward, was *Simon Birkbeck*, an eminent preacher, who was educated at Queen's college in Oxford, and was afterwards vicar of Gilling in Yorkſhire. He was author of a book, which was much valued by Mr. Selden and other learned men, called *the Proteſtants Evidence*, ſhewing, that for 1500 years after Chriſt, the fathers and guides of Chriſt's church taught as the church of England now doth; which was printed at London in

* So ſay the counteſs of Pembroke's memoirs, and other hiſtorical anecdotes. But from the improbable length of the courſe, we would rather ſuppoſe, that they ran to *Nine Kirks*, that is, the church of Ninian the Scottiſh ſaint, and back again; which from ſome parts of the park might be far enough for a greyhound to run. And *before* this time, there was a place in the park denominated from the *hart's horns*; which ſeem therefore to have been put up on ſome former occaſion, perhaps for their remarkable largeneſs. For one of the bounder marks of the partition aforeſaid between the two daughters of the laſt Robert de Veteripont is called *Hert-horn ſike*.

1635, and after in 1657.]—The ſaid *Edward Birkbeck* died about the year 1634; leaving a ſon and heir,

3. *Henry Birkbeck* of Hornby eſquire; who married Ellen daughter of George Poole of Wakebridge in Derbyſhire, who had iſſue,

4. *Thomas Birkbeck* of Hornby eſquire, aged 23 at the time of the ſaid viſitation.

The *arms* of Birkbeck are; Argent, a feſs chequy Or and Sable, between three lions heads eraſed Gules.

VI. WINDERWATH.

On the right hand of the Roman way leading towards Penrith, at the diſtance of about two furlongs, ſtands WINDERWATH HALL within the precincts of this pariſh, although the ſaid hall and the demeſne belonging thereto are in the pariſh of Clibburn. And this is a caſe which happened ſometimes at the building of churches, when the lord of the manor or other perſon who built the ſame had lands lying in another diſtrict. This hall and demeſne were ſold by George earl of Cumberland to Thomas Brathwaite of Warcop eſquire; one of whoſe deſcendents ſold the ſame to Mr. Wyvill, in whoſe poſterity it ſtill continues.——The arms of Wyvill are; Gules, 3 Cheveronells braced vaire: On a chief Or, a mullet pierced of 5 points Sable.

VII. WOODSIDE.

A little beyond Winderwath hall, on the ſame ſide of the road, is WOODSIDE, a ſmall hamlet belonging to Brougham caſtle. After the death of John de Clifford in the 10 Hen. 5. the jurors find, that the ſaid John died ſeiſed of the village of Woodſide, containing 5 meſſuages, worth nothing yearly above repriſes; and 24 acres of arable land, and 9 acres of meadow, worth 6*d* each.

PARISH OF BARTON.

I.

THE pariſh of BARTON, at leaſt a great part of it, anciently belonged to the barony of Kendal, and was in the hands of the *Lancaſters* barons of Kendal; a branch of which family removed into this pariſh, and ſettled at Sockbridge, and continued there for many generations, until that branch ended in daughters; and the poſterity of the eldeſt of thoſe daughters enjoy the manor of Sockbridge, and divers other poſſeſſions in the ſaid pariſh to this day. It ſeemeth therefore neceſſary, before we proceed to a particular deſcription

deſcription of the pariſh and the ſeveral diviſions thereof, to deduce the genealogy of that family; whereby what followeth will be better underſtood.

1. After the direct male line of the *Lancaſtres*, barons of Kendal, was determined on the death of *William de Lancaſtre* the third of that name; we find a baſtard brother of the ſaid William, whoſe name was Sir *Roger de Lancaſtre*, unto whom the ſaid William his brother (as aforeſaid) gave Barton and Patterdale. He married Philippa eldeſt daughter and coheir of Hugh de Bolebeck in the county of Northumberland, and died in the 19 Ed. 1. leaving iſſue John, William, and Chriſtopher.

2. *John de Lancaſtre*, ſon and heir of Roger. In the 22 Ed. 1. he was ſummoned to attend the king into France, in his wars there. In the 25th of the ſaid king, he was employed in an expedition againſt the Scots. In the 33d year of the ſaid king, he preſented John ſon of Sir Hugh de Lowther to the rectory of Barton. His wife's name was Amora. He died in the 8th year of king Edward the third, without iſſue male; and part of the inheritance went over to Sir John de Lancaſtre of Howgill, ſon of his ſecond brother William, from whom deſcended the Lancaſtres of Howgill. From Chriſtopher the third brother did deſcend the Lancaſters of Sockbridge, of whom we ſpeak.

This *Chriſtopher* married Joan daughter of Sir Hugh Lowther of Lowther knight. And by her had iſſue,

3. *Gilbert de Lancaſtre*; whoſe wife's name was Elizabeth.—In the 12 Ed. 2 he levied a fine of his manor and lands in Strickland Ketel, Sockbridge, and Harteſhopp.

In the 5 Ed. 3. there was an exchange of lands at Thrimby between the prior of Watton and Sir Hugh Lowther, to which one of the witneſſes was Sir Gilbert de Lancaſtre.

He died before his father; and left iſſue,

4. *William de Lancaſtre*; who married Margaret daughter of Thomas Warcop of Smerdale eſquire. They had iſſue,

5. *Thomas de Lancaſtre*; who married Chriſtian daughter of Hugh Salkeld of Roſgill eſquire: and by her had iſſue William, Hugh, Robert, James, Gilbert, and Edward.

6. Sir *William de Lancaſtre* knight, ſon and heir of Thomas, married Margaret daughter of Sir Thomas Strickland. In the 14 Hen. 6. he was eſcheator on the inquiſition *poſt mortem* of John duke of Bedford, grantee of the Richmond fee, parcel of the barony of Kendale. He was alſo ſheriff of Weſtmorland. He had iſſue only a daughter, Mabel, married to Sir Hugh Lowther. He was ſucceeded in the intailed eſtate by his brother,

7. *Hugh de Lancaſtre*; who married a daughter of Betſham of Betſham, and by her had iſſue,

8. *Chriſtopher Lancaſter* eſquire; who married Eleanor daughter of Thomas ſon of Sir Richard Muſgrave. They had iſſue 5 ſons, Thomas, William, Edward, Stephen, and Nicholas: and 4 daughters, Margaret, married to John Booſt of Penrith; Iſabel, married to one Shipton of London; Jane, married to Chriſtopher Lancaſter of Deepdale; and Elizabeth, married to John Hodgſon of Barton.

9. *Thomas Lancaſter* eſquire, ſon and heir of Chriſtopher, married a Laybourne, and had iſſue only two daughters. He was ſucceeded by his brother,

10. *William Lancaſter* eſquire; who had a ſon,

11. *Lancelot Lancaſter* eſquire: Which Lancelot had 3 wives. By his firſt wife Anne, daughter of Nicholas Harrington of Eubarhall, he had iſſue, (1) Edmund. (2) Elinour, married to Richard Cleyburne. (3) Anne, married to John Wharton. By his ſecond wife, Margaret, daughter of Thomas Rookby of Morton, he had (4) Thomas. (5) George. (6) Ambroſe. (7) Grace, married to James Harrington of Woolocks in Cumberland. (8) Joan, married to Thomas Dykes. By his third wife, Winifred, he had, (9) A ſon, whoſe name doth not appear. (10) William. (11) Lancelot. (12) Frances, married to one Turner. (13) Francis. (14) Simon. (15) Anne. This Lancelot, in the 33 Hen. 8. was a joint purchaſer of the rectory of Barton.

12. *Edmund Lancaſter* eſquire, ſon and heir of Lancelot, married Margaret daughter of John Middleton eſquire; and was living when the pedigree was certified at an herald's viſitation in 1575. He had iſſue Lancelot, Richard, Frances, and Margaret.

13. *Lancelot Lancaſter* eſquire, ſon and heir of Edmund. He married Frances Tankard eldeſt daughter of Thomas Tankard eſquire of Yorkſhire, in the reign of king James the firſt. By indenture dated Aug. 10, in the 21ſt year of that king, this Lancelot, and Chriſtopher ſon and heir of Richard Lancaſter deceaſed late brother of the ſaid Lancelot, in conſideration of 489*l* 9*s* 1*d*, did covenant to convey, by fine or otherwiſe, their manor of Strickland Roger, unto Hugh Barrow of Skelſmergh and Matthew Philipſon of Strickland Roger yeomen and their heirs.—This Lancelot died without iſſue; and was ſucceeded by the ſaid Chriſtopher as next heir, being the ſon of his younger brother Richard deceaſed: *viz.*

14. *Chriſtopher Lancaſter* eſquire (of Crake-trees); who married Elizabeth daughter of Thomas Tankard eſquire, ſon of the above-named Thomas Tankard: By whom he had no iſſue male. But he left 4 daughters; (1) *Frances*, married to Sir Chriſtopher Lowther of St. Bees and Whitehaven baronet, younger brother of Sir John Lowther of Lowther: This Sir Chriſtopher paid the other ſiſters portions, and had the eſtate. (2) *Elizabeth*, married to William Hutton of Penrith and Gale. (3) *Barbara*, married to Mr. Davyes of Winder. (4) *Mary*, married to Mr. Highmore of Cumberland.

The arms of theſe Lancaſters were; Argent, two bars Gules, on a canton of the ſecond a lion paſſant guardant Or.

II.

Having thus deduced the family of the Lancaſters, which had ſuch large connexions with this pariſh, we proceed to give an account of the PARISH itſelf.

It

It is bounded (beginning at the middle of the river Eamont over againſt the church, and deſcending down the river) by the pariſhes of Dacre and Penrith in the county of Cumberland on the Weſt and North, to the place where the river Lowther runs in. Thence, aſcending the river Lowther, it is bounded on the Eaſt by the pariſh of Brougham up to Lowther bridge. Thence bounded further on the Eaſt by the pariſhes of Clifton, Lowther, Aſkham, and Bampton. On the South, and again towards the Weſt, by the pariſhes of Kendal and Greſmere in the barony of Kendale, and by the pariſhes of Croſthwaite and Greyſtock in Cumberland; and contains in the whole about 115 families, whereof there are only three or four diſſenters.

The church is dedicated to St. Michael; and is a vicarage, valued in the king's books at 11*l* 1*s* 0½*d*; in the patronage of Sir James Lowther baronet.

It was given by the aforeſaid Sir John de Lancaſtre ſon of Roger to the priory of Wartre in Yorkſhire, to which it was afterwards appropriated; and on the diſſolution was granted by the crown to Thomas earl of Rutland, who ſold the ſame to Lancelot Lancaſter aforeſaid and Michael Hudſon, in whoſe deſcendents or aſſignees reſpectively the ſame ſtill continues.

In the year 1304 (which was the 33 Ed. 1.) upon the death of *William de Corbrigge* rector of Barton, *John* the ſon of Sir *Hugh de Lowther* knight (as is aforeſaid) was preſented to the ſaid rectory by the aforeſaid Sir John de Lancaſtre ſon of Roger. And upon a *jus patronatus* iſſued and an inquiſition thereupon taken, the jurors find, that the ſaid rectory is worth *communibus annis* 40*l* a year, beſides the portion which the prior and convent of Wartre have in the ſame, which is taxed at 12*l*: And ſo they ſay, that it is portionary, but not penſionary. They find alſo, that Roger de Lancaſtre, father of the ſaid John, preſented to the ſame next before. They find further, that the perſon preſented is free and legitimate, and that he is 14 years of age and nigh 15, and probably is learned as far as his age will permit, and hath the firſt tonſure. At the next ordination, this John de Lowther was ordained Acolite. Four years afterwards, and before he had any other orders conferred upon him, he was inſtituted notwithſtanding his minority, having a diſpenſation for the ſame from pope Clement the fifth. Seven years after this, being then ſubdeacon, he was allowed by the biſhop to follow his ſtudies abroad for three years.

In the year 1318, the appropriation of the church of Barton by the ſaid Sir John to the priory of Wartre was confirmed by the biſhop of Carliſle; on condition, that the vicar have a full third of the whole revenue and bear all ordinary charges, the prior and convent bearing the extraordinary. And there was a reſervation to the biſhop of the collation to the vicarage. But nevertheleſs, two years after this, on the reſignation of the ſaid John de Lowther, the biſhop did not collate; but the prior and convent preſented *Gilbert de Sandale*, and the biſhop inſtituted him thereupon, and in the inſtrument of inſtitution calls them the true patrons.

And two years after this, *viz.* in 1322, on the reſignation of the ſaid Gilbert de Sandale, *William de Elvington* was inſtituted on the preſentation of the ſaid prior and convent.

In 1336, on William de Elvington's reſignation, the prior and convent preſented one of their own canons *William de Kyrkton*.

In 1345, on his reſignation, *John de Fenton* was preſented and inſtituted as before.

In 1354, on the reſignation of one *John de Sherborn*, the prior and convent preſent *Robert de Ferby*. And in the ſame year, on his reſignation, *John de Wyſtow* was inſtituted.

In 1361, *William de Newton* was preſented and inſtituted as before.

About the year 1422, the prior and convent preſented William Spenſer the *cellerarius* of their convent to the vicarage of Barton *.

In 1476, *Robert Wreſyl* was vicar of Barton.

In 1541, Lancelot Lancaſter of Sockbridge eſquire, and Michael Hudſon of Barton gentleman, purchaſed (as aforeſaid) the rectory of Barton; and upon a vacancy in 1566, there was a diſpute between the ſaid Lancelot and George Hudſon ſon of the ſaid Michael concerning the preſentation, by which it may ſeem that at the time of the purchaſe it had not been ſettled between them whether they ſhould preſent jointly or by turns, or which of them ſhould preſent firſt. But the biſhop, on this vacancy, collated Sir John Hudſon clerk by lapſe, through the default or neglect (as is ſet forth) of George Hudſon of Barton gentleman, the true patron of the ſaid church.

In 1581, Adam Abbot was admitted curate of Patrickdale in this pariſh, on the nomination of the ſaid Sir John Hudſon the vicar, with the approbation of Edmund Lancaſter eſquire and George Hudſon gentleman, proprietors of the rectory, according to a late compromiſe to that purpoſe.

In 1608, on the death of the ſaid John Hudſon, *Lancelot Dawes*, M. A. was inſtituted, on the preſentation for this turn of John Fetherſton gentleman; yet at the ſame time George Hudſon clerk was preſented by Edmund Lancaſter of Sockbridge and Thomas Carleton of Carleton eſquires, claimants for the ſame turn. He died in 1653, and was ſucceeded by

Timothy Roberts, a Welchman; who was ejected after the Reſtoration for Nonconformity.

The male line of the Lancaſters failing in the next generation, the Lancaſter moiety of the advowſon came to Sir Chriſtopher Lowther as aforeſaid, on his marriage with one of the daughters; and the houſe of Lowther is now in poſſeſſion of the whole.

In 1660, *John Harriſon* was preſented by Sir John Lowther of Whitehaven.

On the death of Mr. Harriſon in 1705, *Richard Stainton* clerk was inſtituted on the preſentation of the ſaid Sir John Lowther.

In 1734, on the death of *Richard Stainton*, *Richard Jackſon*, M. A. was preſented by Sir James Lowther of Whitehaven baronet.

In 1738, on the death of Richard Jackſon, *William Lindſey*, M. A. was preſented by the ſame patron.

* Dugd.

In

In 1753, *Joſeph Wilſon*, clerk, was inſtituted on a preſentation by the ſame patron.

In 1759, on the death of Joſeph Wilſon, *John Cowper*, M. A. was inſtituted on a preſentation by Sir James Lowther of Lowther baronet.

The CHURCH is a low but large building, having two rows of pillars in the body of it. In the middle, between the body of the church and the chancel, is a fair ſtone tower, but with low, flat battlements.

Over the porch, on the outſide, cut in ſtone, is an eſcutcheon with 3 harts heads.

In the chancel, above the communion table, are 5 rows of eſcutcheons, 7 in each row; many of which are now defaced, and others perhaps only put in for ornament or to fill up the number; but amongſt them were to be ſeen in Mr. Machel's time the arms of Arundel, of Percy earl of Northumberland quartering Lucy, of Dacre, Lowther, Lancaſter, Strickland, Threlkeld, Machel, Moreſby, Orpheur, Crackenthorp.

Upon a braſs plate in the chancel is the following inſcription:

" Hic jacet Franciſca Dawes, filia Thomæ Flecher de Strickland, armigeri, " natu maxima; perquam chariſſima quidem et perdilecta uxor Lanceloti " Dawes de Barton-Kirke, generoſi. Quæ huic mundo, ſpe multo melioris, " 23° Feb. valedixit: Anno ætatis ſuæ 23. Annoque D^ni^ 1673.

" Under this ſtone, reader, inter'd doth lye
" Beauty and virtue's true epitomy.
" At her appearance the noone-ſon
" Bluſh'd and ſhrunk in 'cauſe quite outdon.
" In her concenter'd did all graces dwell:
" God pluck'd my roſe, that he might take a ſmel.
" I'll ſay no more: But weeping wiſh I may
" Soone with thy dear chaſte aſhes com to lay.

" Sic efflevit maritus."

Towards the eaſt end of the ſouth ile, near to the chancel, is a grave ſtone with a fillet of braſs inſcribed, " Here lyeth William Lancaſter ſon of Chriſ- " topher: On whoſe ſoul Jeſu have mercy."—Probably the ſame William as above at N° 10.

Oppoſite to this are painted the arms of Stapleton impaling a defaced coat, and the arms of Lancaſter.

On the ſouth ſide is an ile, which has been divided into two; in the lower of which, now belonging to Winder, is a monument inſcribed W D, for William Davyes, who was buried here in 1674.

On the north ſide of the quire and of part of the body of the church is the Lancaſter ile, formerly the burial place of the Lancaſters of Sockbridge.

The VICARAGE HOUSE, about 200 yards from the church, is an handſome building, erected in 1637 by Dr. Lancelot Dawes vicar of this pariſh, who was

was alſo rector of Aſby, and prebendary of Carliſle. He was born in this pariſh, educated at Queen's college in Oxford where he was fellow, and afterwards took the degree of doctor of divinity in one of the Scotch univerſities.

The ſaid Dr. Dawes purchaſed the Hudſon moiety of the rectorial tithes; which deſcended to his nephew Thomas Dawes; whoſe ſon Lancelot ſold part thereof (*viz.* the tithes of High Barton) to his brother John, who ſold the ſame to Edward Haſſel eſquire. The other part (*viz.* the tithes of Yanwath and Bridge, Patterdale, and Martindale) the ſaid Thomas Dawes ſold to Thomas Whelpdale eſquire, who ſold the tithes of Patterdale to Mr. George Mounſey, and the reſt remain to his daughter Elizabeth married to John Richardſon eſquire during her life, and after her deceaſe to her children.

There is a *penſion* of 6*l* a year paid to the biſhop out of this rectory by the impropriators.

The hoſpital of St. Leonard York had two carucates of land in *Bart nheved* (the ſame probably which is now called High Barton).

Belonging to this pariſh is a *charity* of 200*l*, bequeathed by the will of Mrs. Dudley of Yanewith; half of the yearly intereſt of which ſhe ſettled as an augmentation of the vicar's ſalary, the other half to be diſtributed amongſt the poor.

The SCHOOL at Barton was founded by Gerard Langbaine, D. D. provoſt of Queen's college in Oxford, a native of this pariſh, and the aforeſaid Dr. Lancelot Dawes, in the year 1649.

Dr. Langbaine gave to it 30*l*. He alſo purchaſed an eſtate at Culgaith of the then value of 20*l* a year; 10*l* whereof were to go to bind out two apprentices within Barton pariſh, the reſt to the uſe of the ſchool.

Dr. Dawes gave 25*l*; and alſo 20*s* yearly to the ſaid ſchool, out of the tithes of the eſtate called Barton-kirk.

Dr. Adam Airey, principal of Edmund Hall in Oxford and native alſo of this pariſh, gave the intereſt of 100*l*.

And the pariſhioners contributed (beſides their labour) 46*l* 6*s* 8*d*; to be applied towards building of the ſchool, and the intereſt of what remained to go to the uſe of the ſchoolmaſter.

And they entered into an agreement in writing amongſt themſelves, in order to prevent confuſion, that the ſeven men named in the ſaid agreement and their heirs ſucceſſively ſhould be governors of the ſchool, *viz.* Mr. Lancelot Dawes, Mr. Francis Siſſon, Mr. William Davis, Stephen Mounſey, William Smith, Lancelot Smith, and William Langbaine.

Yet in the year 1675 we find theſe governors, Sir John Lowther of Sockbridge baronet, Sir John Lowther of Lowther baronet, Daniel Fleming of Rydal eſquire, John Harriſon vicar of Barton; William Dawes ſenior, Theodorus Siſſon, William Smith ſenior of Bowerbank, George Mounſey ſenior, Thomas

Thomas Winter, gentlemen; William Smith of Potſhouſcale, William Siſſon of Croſtormount, and William Smith of Brow, yeomen *.

Finally, Dr. William Lancaſter, provoſt of Queen's college aforeſaid, (a native alſo of this pariſh) added a further augmentation to the ſchoolmaſter's ſalary †.

III.

Concerning the *manor of Barton*; we find ſeveral of old time of the name *de Barton*, who ſeem to have been a conſiderable family in this pariſh, but not lords of any of the manors that we can find.

In the 15 Ed. 2. Robert de Barton was one of the jurors upon the inquiſition on the forfeiture of Roger lord Clifford.

And in the 19 Ed. 2. Robert de Barton was knight of the ſhire for Weſtmorland.

And there was a family of Bartons at Ormſhead; whoſe arms were, Azure, a bend within 3 harts heads Or; which ſeems to argue that they ſprung from Hartſop in this pariſh.

The lords of this manor of very old time were the Lancaſters barons of Kendal; one branch of which family (as we have ſhewed) ſettled at Sockbridge. But the manor of Barton went out of the name of Lancaſter, to the Multons of Gilſland. With the heireſs of Gilſland it came to the Dacres.

Thus in the 36 Ed 3. by an inquiſition after the death of Margaret de Dacre (who was the ſaid heireſs) the jurors find, that the ſaid Margaret held, together with Ralph de Dacre her huſband, the manor of Barton.

And ſo it deſcended, together with the caſtle and manor of Dacre, in the eldeſt hereditary line of the Dacres until the reign of king Charles the ſecond, when Barbara and Anne daughters and coheirs of Thomas earl of Suſſex ſold the ſame to Sir Chriſtopher Muſgrave of Edenhall baronet, who again ſold the ſame to Edward Haſſel eſquire the preſent owner.

In the 17th year of king John, William de Lancaſtre, baron of Kendal, obtained a grant of a market at Barton ‡.

IV.

A conſiderable part of Ullswater, from the middle eaſtward, is within the manor of Barton. It has its name probably from *Ulf*, a name frequent in old time: *Lyulf (L'Ulf)* was the firſt baron of Grayſtock, to whom this lake did belong. It is a large mere of 7 or 8 miles in length, and of a great breadth and depth, wherein is great ſtore of fiſh; as perch, trouts, grey trouts (ſome very large, even a yard long, and thick in proportion), pikes, caſe, chars, eels, and ſkellies. Divers perſons have fiſheries therein, for which they pay yearly a quit-rent.

* Machel. † Todd. ‡ Denton.

The

The water which ſupplies this lake, at its higheſt ſource, ſprings at Kirkſton-fell in the manor of Hartſop. Thence it runs, on the eaſt ſide of Hartſop-hall, into a lough about a quarter of a mile over called Broad-water, bearing the name of Hartſop beck till it comes there; and further (after having received Haiſwater) till it be out of Hartſop lordſhip. Then it receives Deepdale beck, which comes eaſtward into it, and ſome other rills, and from thence carries the name of Deepdale beck till it comes to Goldrel bridge near Patterdale chapel, where Griſedale beck comes in from the weſt, and there it receives the name of Eamont. Thence it runs northward about a quarter of a mile into this great lake. In the courſe of which lake there are three remarkable iſlands; 1. Cherry iſland, ſo called from a cherry tree anciently growing there, diſtant from the head of Ulleſwater about a mile and a half. 2. Wallholme, over againſt Stybarrow; ſo called from its having been anciently walled about; diſtant from Cherry iſland about two bowſhots. 3. Houſe-holme, about a quarter of a mile below; ſo called probably from ſome houſe thereon formerly. From hence the water turns in a bow above two miles to a crag near How-Down. Thence directly north-weſt to Dun-Mallard, 3 miles in length, and in breadth near one mile. And there the lake ending, the river re-aſſumes its name; and ſo running by Sockbridge, Yanwath, Brougham caſtle, and Hornby, it empties itſelf into the river Eden.

V.

At the head of the ſaid water, above Patterdale, lies the manor of HARTSOP, probably ſo denominated from abounding with deer anciently.

Hartſop hall, the ancient manor houſe, is a little old building, wherein here is nothing very remarkable, ſave that in the parlour in the plaiſter there is an eſcutcheon of three harts heads caboſhed, the ſame as over the porch at Barton church *. Which are undoubtedly the arms of the family that this place belonged to, which probably ended in a daughter married into the Lancaſter family; for theſe arms are quartered with the Lancaſters of Sockbridge at Sockbridge hall.

Hartſop is of the marquis fee, parcel of the barony of Kendal aforeſaid. Thus amongſt the eſcheats in the 12 Eliz. it is found, that the manors of Hartſop and Strickland Roger, Ladyford, and certain lands in Skelſmergh, were holden of the marquis of Northampton in ſocage, and by the yearly rent of 26*s* 8*d*, by Edmund Lancaſter. And in the 15 Ja. after the death of the ſaid Edmund, the inquiſition finds, that he died ſeiſed of the premiſſes, holden as aforeſaid, and that Lancelot Lancaſter was a ſon and heir, being then of full age.

There is fine blue ſlate got here; which may be tranſmitted into the country by boats down Ulleſwater.

A mile from Hartſop hall is *Aiſdale*, where is a tarn called Haiſwater, which affords trouts, ſkellies, and eels.

* Machel.

VI.

VI.

Deſcending by the water from Hartſop, we come to PATTERDALE, ſo called probably from St. *Patrick*, to whom the chapel ſeems to be dedicated. For in the biſhop's regiſter it is called *Patrickdale*, on the admiſſion of Adam Abbot to be curate as aforeſaid. And nigh unto the chapel is a well called St. Patrick's well.

This dale is alſo part of the ancient barony of Kendal. And in the 31 Hen. 3. William de Lancaſtre infeoffed the aforeſaid Roger de Lancaſtre in 200 acres of his demeſne land in Patricdale worth yearly 4*l*, one miln worth 60*s*, and herbage and pannage worth 14*s*, and the rent of free tenants to the value of 28*s* 10*d*. The ſaid Roger had alſo the ſervice of Gilbert de Lancaſtre, who held by knights ſervice by the tenth part of one knight's fee; and the ſervice of Walter de Lancaſtre, who held alſo by the tenth part of one knight's fee. The ſaid William afterwards gave to the ſaid Roger the whole foreſt of Weſtmorland; except Feuſdale, and Swartfell, and the head of Martindale, which the ſaid Roger had by a former grant.

The *chapel* is about ten miles ſouth-weſt from the pariſh church. It hath about ten acres of glebe land worth about 8*l* a year; and one third part of the tithes of Patterdale, worth about 8*l* a year more; and the intereſt of 200*l* alloted to this chapel by the governors of queen Anne's bounty in the year 1743, and not yet laid out in a purchaſe of lands. Out of this revenue there is a deduction of 4*l* a year paid to the vicar of the pariſh, who is obliged to preach in the chapel four times a year; and 6*s* yearly to the rector of Grayſtock.

The *hall* belongs to Mr. John Mounſey, whoſe anceſtors purchaſed the ſame of the Threlkelds in whom it had continued for many generations. This Mr. Mounſey and his forefathers for time immemorial have been called kings of Patterdale, living as it were in another world, and having no one near them greater than themſelves. The hall is an handſome little houſe, with a court and orchard, and terras walk at the door, from whence the aſcent to the houſe is by ſeveral ſteps. It fronts to the chapel towards the ſouth. On the weſt ſide of it are vaſt rocks and mountains.

North from the hall is a little gill called *Glenridden*; from the Scotch word *glen* which ſignifies a gill or hollow, and *Ridden* the name of the river which runs there with a precipitate courſe into Ulleſwater.

Near to Glenridden lieth *Glencune*, a little farther to the north; as much as to ſay, a glen in a corner; *cune*, *coyn*, or corner, being one and the ſame thing.

Nigh the chapel, towards the weſt, lies a little hollow or gill, which they call *Griſedale*, and the tenants there (who are only about 8 or 10) are called in the court rolls as of the *foreſt* of Griſedale. Griſe is a common name for ſwine, and it may well ſeem to have taken its name from being frequented by wild boars, which are beaſts of the foreſt. Unto which, the large rock called *Stybarrow*, on the weſt ſide of Ulleſwater, may have ſome alluſion.—And

perhaps there have been deer alſo in this dale; for there is a place in it called *Glemara Park.*—In the head of the dale, is a rocky mountain called *Eagles-crag*; and eagles to this day frequent and breed in the mountains thereabouts.

Higher up, about a mile ſouth from the chapel, is *Deepdale*, ſo called from its ſituation; where there are about ten families, who hold of Grayſtock caſtle in Cumberland.

VII.

MARTINDALE is ſo denominated probably from another ſpecies of beaſts of venary, namely, the *martern*, valuable for its fur. Manwood, in his Treatiſe on the Foreſt Laws, which was firſt publiſhed in the reign of queen Elizabeth, ſpeaking of the martern, ſays, of theſe we have no great number in the foreſts on the ſouth ſide of Trent, but yet in the county of Weſtmorland in Martendale there are many. This place is ſeparated from Patterdale by an high hill called *Boredale* (probably from the like cauſe).

In the rental of queen Katharine's eſtate in the barony of Kendal in the 28 Cha. 2. the tenants in *Borebank* near Ulleſwater ſtand charged with a rent of *11s 10d*, as of the marquis fee.

Martindale has a ſmall *chapel*, about 5 miles diſtant from the church towards the ſouth-weſt. The ancient endowment whereof is *2l 15s 4d* yearly paid by the inhabitants. In 1682, Richard Birket, curate there, left by his will *100l* to this chapel, in the hands of 4 truſtees, and as theſe die away, others are to be choſen by the ſurvivors: *50l* whereof were added to an augmentation of *200l* by lot given by the governors of queen Anne's bounty, and an eſtate purchaſed therewith in Martindale; and the other *50l* remain in the hands of the truſtees. The curate has a little houſe alſo, with about 4 acres of land. The whole revenue of the chapel amounts at preſent to *17l* a year.

Mr. Machel, whoſe account was taken about 100 years ago, ſays, that the curate is always put in by the vicar's appointment, or by his approbation.

But amongſt the Eſcheats in the 39 Eliz. it is found, that Anthony Yatts yeoman was ſeiſed, in the bailiwick and chapelry of Martindale within the barony of Barton, of all the tithes there, together with the title of donation and nomination of the ſtipendiary prieſt in the chapel of Martindale, which he purchaſed of Edward Stanhope eſquire in the 35 Eliz. and which the ſaid Edward Stanhope purchaſed of Robert Cheyney gentleman and Winifred his wife and others in the 29 Eliz. And in the 10 Cha. 1. it was found, that William Buſher died ſeiſed of two parts in three to be divided of the ſaid tithes, donation, and nomination; and that Anne wife of John Davis was his daughter and heir.

The manor, like as of Barton, came from the Multons by marriage to the Dacres; and now by purchaſe belongs to the aforeſaid Edward Haſſel eſquire.

Here is a kind of foreſt, repleniſhed with red and fallow deer; and there are tenants who are bound to aſſiſt the lord in hunting and turning the red deer on the tops of the mountains to the foreſt, whom they call *ſtrones*; and they

have for their pains 8*d* for every four of them in ale or other liquor. They are to appear upon ſummons; and if they do not, they are finable for it at the court baron *.

There hath anciently been a family *de Martindale* (and there are many yet of the name): Their arms were; Argent, a bend Azure, 2 bars Gules.

VIII.

POOLEY, a village at the foot of Ulleſwater, taketh its name undoubtedly from that great pool or lake. It is pleaſantly ſituate; having, beſides the embelliſhments of wood and water, a great acceſſion of beauty from *Dun-mallard* hill (ſo called from the reſort of wild fowl thither from the lake) on the oppoſite ſide of the water in the county of Cumberland, belonging to the aforeſaid Edward Haſſel eſquire, who hath a fair eſtate near adjoining. Unto this hill Pooley is connected by an handſome ſtone bridge lately erected, where anciently was only a ſtank for ſtopping the water for the ſake of fiſhing, and a paſſage on the ſurface of the ſtank.

Here ſeems to have been formerly a ſmall market for fiſh. There is yet a fair ſtone croſs, with ſteps or ſeats about it, on the top of which are the Dacres arms. This croſs was repaired by the earl of Suſſex, as appears by this inſcription on the weathercock, "Thomas earle of Suſſex, May 2, 1679."

The village contains about ten families; moſt of whom purchaſed their tenements to freehold of the earl of Suſſex about a century ago.

IX.

The manor of SOCKBRIDGE contains in it the hamlets of *Sockbridge*, *Tirrel*, and *Thorp*.

The village of *Sockbridge* lies weſt from the church, and contains about 15 families. The tenants purchaſed themſelves free of Sir John Lowther of Sockbridge, as did alſo thoſe of *Tirrel* and *Thorp*.

Here was born the aforeſaid Dr. Lancaſter, vicar of St. Martin's in the Fields, and provoſt of Queen's college in Oxford, to which college he was a great benefactor. He was ſometime ſchool-maſter at Barton, before his admiſſion into the ſaid college.

Sockbridge hall ſtands north from the river Eamont about a bow-ſhot, and as much eaſt from the village of Sockbridge. It is in a low ſituation, there being three deſcents into the court-yard, before you enter the hall. It is built quadrangular. And over the hall-door is a ſlender old tower.

On the ceiling, in plaiſter work, in the old dining room, are the arms of Lancaſter quartering Hartſop; and impaling Tankard, *viz.* a cheveron charged with 3 annulets between three eſcalops; and another coat, *viz.* a cheveron charged with three flower-de-lis.

* Machel.

Tirrel, a little ſouth-eaſt from Sockbridge, contains about ten families.

And the village of *Thorp* is a little weſt from Sockbridge, and contains about 4 or 5 families.

X.

The hamlet of *Winder* (ſo called perhaps from its height and expoſure) is part of it in the manor of Sockbridge, and part in Barton. It is diſtinguiſhed into High and Low Winder (but both of them high enough).

Winder is of the Marquis Fee, parcel of the barony of Kendal. Amongſt the Eſcheats in the 10 Ja. it is found by inquiſition, that Lancelot Davies died ſeiſed of one capital meſſuage called Low Winder, and 4 meſſuages and tenements in Low Winder, and one meſſuage at Borebank, holden of the king as of his caſtle of Kendal, by knight's ſervice. And the like is found in the 13 Cha. after the death of John Davies.

In like manner amongſt the Eſcheats in the 10 Cha. William Siſſon is found by inquiſition to have holden in High Winder one capital meſſuage called Selleron, and 6 other meſſuages and lands, of the king as of his manor of Kendal called the Marquis Fee; which ſaid premiſſes the ſaid William Siſſon purchaſed of Edward Lancaſter and Lancelot Lancaſter.

XI.

A little below Sockbridge, on the ſame ſide of the river Eamont, is YANWITH or YANWATH (perhaps ſo called from ſome *wath* or ford there, by way of diſtinction from the village called the *Bridge* a little below).

This is the only manor within this large pariſh of Barton, that appears to have been held under the Cliffords lords of Weſtmorland; and conſequently all the reſt of the pariſh ſeems to have conſtituted no part of the barony of Weſtmorland, but to have been part of the large barony of Kendale, even all that which belonged to the Lancaſters as aforeſaid.

In the 8 Ed. 2. after the death of Robert lord Clifford, Ralph ſon of William baron of Grayſtock held the manor of Yanewith.

In the 10 Hen. 5. John de Grayſtock held the manor of Yevenwith by the cornage of 8*s* 6*d*.

In the 4 Ed. 4. Ralph baron of Grayſtock held the ſame. That is to ſay, theſe Grayſtocks held the ſame of the Cliffords, as meſne or intermediate lords; for others at the ſame time held the ſame of the Grayſtocks: one moiety thereof being holden by the *Threlkelds*, and the other by the *Lancaſters*.

So early as the reign of king Edward the firſt, *Henry Threlkeld* obtained a grant of free warren in the manor of Yanwith. And in the 40 Ed. 3. *William Threlkeld* paid a relief for a moiety of Eanwath, which he held of the barony of Grayſtock.

In the reign of king Henry the ſixth, the *Lancaſter* moiety came alſo to the *Threlkelds*. For in the 6th year of that king, the four daughters and coheirs of

of Sir John de Lancaſter of Howgill, in conſideration of the ſum of 20*l* paid to each of them, ſold to Sir *Henry Threlkeld* knight a moiety of the manor of Yanwith. The laſt of which name was Sir *Lancelot Threlkeld* of Threlkeld in Cumberland, ſon of that Sir Lancelot who married the heireſs Veſcy widow of John lord Clifford in the reign of king Edward the fourth. He died without iſſue male, leaving three daughters coheirs.——The arms of Threlkeld were; Argent, a manch Gules.

Grace, one of the ſaid daughters, was married to *Thomas Dudley*, of a younger branch of a family of Dudleys in the ſouth, and with her he had the manor of Yanwath. He had iſſue,

Richard Dudley, who married Dorothy daughter of Edmund Sandford of Aſkham eſquire; and by her had iſſue.

Edmund Dudley, who married Catherine daughter and coheir of Cuthbert Hoton of Hoton John eſquire (Sandford of Aſkham, and Huddleſton, marrying the other two coheirs). He had iſſue, Richard, a prieſt: Thomas, who ſucceeded him: John a lawyer, who married the baſtard daughter of Sir Chriſtopher Pickering, who was afterwards married to Cyprian Hilton of Burton eſquire: Another ſon, called Henry; and ſix daughters.

Thomas Dudley, ſon of Edmund, married a daughter of Middleton of Carliſle; and had iſſue, Edmund who died without iſſue, Chriſtopher, Mary, and Catharine.

Chriſtopher Dudley, ſon of Thomas, married firſt Elizabeth daughter of biſhop Snowden; to his ſecond wife he married Agnes daughter of Daniel Fleming of Skirwith gentleman, by whom he had a daughter Mary who died young. And having no iſſue ſurviving, he ſold the manor of Yanwath and Eamont-bridge to Sir John Lowther baronet about the year 1654, in whoſe poſterity it ſtill continues.

The arms of theſe Dudleys were; Or, a lion rampant with his tail forked Vert, lingued and armed Gules. (With a creſcent.)

The village of *Yanwath* contains about 12 families, moſt of them cuſtomary tenants, doing ſuit and ſervice of court at Yanwath hall.

The ſaid hall ſtands at the north end of the village, a little on the weſt ſide of it, on a high bank by the river Eamont. It is quadrangular; hath an agreeable proſpect; and at a diſtance hath the appearance of a ſmall caſtle. Over the gate there hath been a chapel. And at the ſouth corner there hath been an handſome tower, with turrets and battlements.

About a mile ſouth from the hall, at the end of Yanwath wood, oppoſite to Lowther hall, is an ancient round fortification, called *Caſtle Steads*.

Eamont bridge is a ſmall village, containing about 12 families, moſt of them cuſtomary tenants It is ſo called from a fair ſtone bridge over the river Eamont; deriving its name from two Saxon words, *ea* which ſignifies water; and *munt*, a hill or mountain: this river deſcending from a moſt remarkably mountainous country.

In the reign of king Hen. 6. there ſeems to have been a general contribution towards the building, or perhaps rather rebuilding of this bridge. In the regiſter

giſter of Thomas Langley biſhop of Durham (in the poſſeſſion of the dean and chapter of Durham), who was alſo lord chancellor, and cardinal, and (as it ſeemeth) the pope's legate, there is an indulgence of 40 days, to any of his dioceſe, or of other dioceſes, whoſe dioceſans ſhould confirm the ſame, who ſhould contribute towards the building of this bridge *.

Near this vill, are two curious monuments of antiquity. One on the ſouth ſide thereof, called *Maybrough caſtle*, almoſt in the ſhape of an horſe ſhoe, having the entrance on the eaſt ſide leading into an area 88 yards in diameter. It hath conſiſted of one ſingle rampier of ſtones, of which the rubbiſh now lies looſe in ruins, partly grown over with wood. Many of the larger ſtones were taken away in the reign of king Hen. 6. for the repairing of Penrith caſtle. Near the middle, towards the weſtern part, is a large ſtone, upwards of three yards in height: formerly, there have been ſeveral others. It ſeems to have been, like many other circular incloſures, a place of worſhip in the times of the ancient Druids.

The other is at the ſouth-eaſt end of the village, by the way ſide on the left hand in going to Penrith, called the *Round table*; being a round trench, with two entrances oppoſite to each other at the ſouth and north. The diameter of the circle within the ring is about 120 feet. It ſeems to have been a juſting-place. The country people call it king Arthur's round table. And perhaps the knights, after juſting and exerciſe, might dine here.

PARISH OF CLIFTON.

CLIFTON is ſaid to have been ſo called from two very remarkable *cliffs* above which it ſtands, on the eaſt ſide of the river Lowther; one, of hard ſtone like marble, about half a mile ſouth-weſt from the church; the other, of a fine free ſtone, about half a mile weſt from the church, and is called *Cat-ſcar*, from a number of wild cats frequenting that place formerly.

The pariſh is bounded on the north and eaſt by the pariſh of Brougham, on the ſouth by the pariſh of Lowther, and on the weſt by Yanwath in the pariſh

* Univerſis ſanctæ matris eccleſiæ filiis, ad quos præſentes literæ pervenerint, Thomas permiſſione divina Dunelmenſis epiſcopus, ſalutem in omnium ſalvatore. Inter cætera opera pietatis, conſtructioni pontium, viarum, et calcetorum ſubvenire, ex quibus ſolutis et diſruptis ſeu confractis eveniunt frequenter diſpendia corporum, et pericula animarum, opus caritativum non modicum reputamus. De Dei igitur omnipotentis immenſa miſericordia ac beatiſſimæ virginis Mariæ matris ſuæ, ac beatorum Petri et Pauli apoſtolorum ejus, et ſancti Cuthberti patroni noſtri confeſſoris glorioſi, omniumque ſanctorum meritis et precibus confidentes, omnibus parochianis noſtris, et aliis quorum dioceſani hanc noſtram indulgentiam ratam habuerint, de peccatis ſuis vere pœnitentibus, contritis, et confeſſis, qui ad conſtructionem novi pontis lapidei ſuper et de ultra aquam de Amot in parochia de Penreth Karliolenſis dioceſeos aliqua de bonis ſibi a Deo collatis grata contulerint, ſeu quovis modo aſſignaverint ſubſidia caritatis, quadraginta dies indulgentiæ concedimus per præſentes pro noſtro beneplacito duraturas: Datas apud manerium noſtrum de Aukland quinto die Aprilis Anno Domini 1425, et noſtræ conſecrationis 19.

of

of Barton (from which it is ſeparated by the river Lowther); and contains about 42 families, 5 whereof are diſſenters.

The church is dedicated to St. Cuthbert; or as ſome ſay, to St. Nicholas.

The *pariſh* and *manor* are commenſurate (for it contains but one manor). It is a rectory, valued in the king's books at 8*l* 3*s* 4*d*, and is in the patronage of the biſhop of Carliſle.

In the year 1303, biſhop Halton collated Mr. Peter Tillioll to the vacant rectory of Clifton: ſaving to the prior and convent of Wartre the accuſtomed yearly penſion of one mark.—When this penſion was given, the ſmallneſs of the pariſh (rendered more inconſiderable by the incurſions of the Scots) probably ſaved it from a total appropriation, as in ſeveral other like caſes; whereas the large ones ſeldom eſcaped, ſuch as Kendal, Kirkby Lonſdale, Kirkby Stephen, Brough, St. Laurence's and St. Michael's Appleby, Morland and Barton, which laſt was appropriated to this ſame priory of Wartre.

In 1314, on the reſignation of *Henry de Carliol*, rector of Clifton, *T. de Caldebeck* was collated by the ſame biſhop.

In 1317, on his reſignation, the ſaid biſhop Halton collated *William de Ribbeton*, who was not ordained deacon till four years after.

In 1354, *Thomas de Salkeld* was collated by biſhop Welton.

In 1359, *Peter de Morland* was rector of Clifton.

In 1376, *Robert de Merton*, rector of Clifton, reſigned in order to an exchange with the rector of Newbiggin; whereupon *John de Merton* was collated by biſhop Appleby.

In 1465, on the reſignation of *Thomas Byre*, Sir *Richard Shaw* was collated by biſhop Scroop.

In 1566, on the death of Sir *Thomas Ellerton* rector of Clifton, *John Wybergh*, M. A. was inſtituted by biſhop Beſt, on a preſentation by Thomas Carleton gentleman and Thomas Wilſon yeoman, who claimed as aſſignees under a grant made by biſhop Oglethorp.

In 1583, on the death of John Wybergh, *Edward Maplett*, M. A. was collated by biſhop May.

In 1632, on the death of *John Fletcher* rector of Clifton, *Robert Symſon*, M. A. was collated by biſhop Potter.

In 1634, on the ceſſion of Mr. Robert Symſon to Bongate, *John Winter*, M. A. was collated by the ſame biſhop: He was ejected by Cromwell's commiſſioners, but outlived the ſtorm, and was reſtored in 1660.

In 1668, on the death of John Winter, *Rowland Burrowes*, B. A. was collated by biſhop Rainbow.

In 1707, on the death of Rowland Burrowes, *Jeremiah Seed* was collated by biſhop Smith.

In 1722, on Mr. Seed's death, *Jeffrey Bowneſs*, B. A. was collated by biſhop Bradford.

In 1735, on the death of Mr. Bowneſs, *Curwen Huddleſton*, M. A. was collated by biſhop Fleming.

In 1769, on the reſignation of Curwen Huddleſton, *Wilfrid Huddleſton*, B. A. was collated by biſhop Law.

The

The *church* is but ſmall, being in proportion to the pariſh. On the north ſide is an ile belonging to the hall.

The *parſonage houſe* is a ſmall building; but hath a fine proſpect from it towards the north.

The MANOR of Clifton, by deed without date, was given by Sir *Hugh de Morville* to *Gilbert Engaine*, and his heirs, about the time of king Henry the ſecond. Witneſſes of which grant were, Thomas ſon of Goſpatric, Thomas de Ellaber, Gervaſe d'Aincourt, Adam de Ireby, Roger de Beauchamp, Adam de Solvil, Hervice Niger, Adam de Thoreſby, Richard Fitz-Adam, and Robert de Levington.

By another deed without date, *Gilbert Engaine* of Clifton grants to Thomas Niger of Carliſle and Chriſtian his wife and their heirs, half a carucate of land, being four oxgangs, at Clifton; free from ſuit of court, moulter, and pannage: paying one penny rent at Chriſtmaſs. Witneſſes, Radulph de Notyngham ſheriff of Weſtmorland, Sir Thomas de Hellebeck, Sir Robert de Aſkeby, Sir John de Moreville, Sir Robert de Yanewith, Odard de Bruham, and Henry de Tirrel.

In the 14 Ed. 1. *Henry Engaine* held Clifton; and in the 3 Ed. 2. *Gilbert Engaine* held the ſame.

And again in the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Gilbert Engayne* held of the ſaid Robert on the day on which he died, the manor of Clifton; the wardſhip whereof, when it ſhould happen, was worth 26*l* 13*s* 4*d*; and the cornage 16*s* 4*d*.

Which ſaid *Gilbert*, in the ſame year, ſettled his manor of Clifton, except ſix meſſuages and 20 acres of land in the ſaid manor, to the uſe of himſelf for life, remainder to *Gilbert* his ſon and *Joan* his wife and the iſſue of their bodies, remainder to his own right heirs.

In the 12 Ed. 2. Robert de Aſkeby and Margaret his wife grant to *Gilbert* ſon of *Richard Engayne* of Clifton, a toft and croft and all their land at Clifton, to hold during his life, of Margaret de Aſkeby their daughter, by the rent of a roſe on the nativity of St. John Baptiſt yearly: Witneſſes whereof were, Sir Hugh de Lowther, Sir John de Roſegill, knights, and others *.

In the 21 Ed. 3. *Gilbert de Engayne*, ſon of *Gilbert*, ſettles his whole village of Clyftone upon *Henry* his ſon and *Joan* his wife, daughter of Robert Lowther of Halton in Northumberland, and their iſſue; in defect thereof, to his own right heirs.

In the 31 Ed. 3. *Gilbert* ſon of *Gilbert D'engayne* granted to Roger de Clifford lord of Weſtmorland, by indenture, the ſervices of John Richardſon and ſeveral others by name, with their bodies and all that belonged to them *(cum eorum corporibus et eorum ſequela)* for the life of the ſaid Roger, and to the heirs of the ſaid Roger during the life of the ſaid Gilbert if the ſaid Roger die before him.

This was the ſervice of *Drengage*, which exiſted chiefly in this corner of the county, for executing (as it ſeemeth) the ſervile and laborious offices at

* Several of theſe inſtruments were copied by Mr. Machel from the evidences at Clifton hall.

Brougham caſtle. In the 3 Ed. 2. on an inquiſition of the king's tenants *in capite* who held by cornage, it is found moreover, that Gilbert Engaynne, Adam de Coupland, the heir of Geoffrey Fitz-Henry, William Tilia, Robert de Sowerby, and Hugh Tilia, held divers tenements in Clibburne, Clifton, Lowther and Melkanthorp, by the ſervice of *drengage*. And at Brougham, we have ſeen, that one half of the manor was given to free the other from that ſervice.

The ſaid *Gilbert D'engayne* ſon of *Gilbert*, was the laſt of the name in the direct line, having only a daughter, named *Eleanor*; who, in the 38 Ed. 3. was married to *William de Wybergh* of St. Bees; and thereby brought the manor of Clifton into the name and family of *Wybergh*.

In the 38 Ed. 3. on the Monday next after Palm Sunday, *Gilbert* ſon of *Gilbert D'engaine* of Clifton grants to *William Wybergh* and *Elianore* his wife, their heirs and aſſigns, one yearly rent of 24*l* out of his lands at Clifton.

And in the ſame year, *William Engayne* grants to *William de Wybergh* one moiety of the manor of Clifton, which he had by the grant of *Gilbert* his brother, to hold during the life of the ſaid *Gilbert*.

And by another deed in the ſame year, *Gilbert* releaſes and quits claim to *William de Wybergh*, his heirs and aſſigns, all his right and claim in one moiety of the manor of Clifton with the appurtenances, which *William* his brother had by his gift for the term of the life of the ſaid *Gilbert*. He grants alſo to the ſaid *William de Wybergh* all his bondmen with all belonging to them (*omnes bondos et nativos meos et eorum ſequelam*).

Again, in the 40 Ed. 3. *Gilbert de Engaine* gives to *William Wybergh* and *Elianore* his wife, and the heirs of their bodies lawfully begotten, his whole moiety of a moiety of the manor of Clifton, in demeſne and in ſervices, with the ſervices of *free tenants*, and with the *bondmen* (*cum nativis et eorum ſequelis*), to the ſaid moiety of the moiety of the ſaid manor belonging. [Where we may obſerve, that the *free tenants* (*liberi tenentes*) were not what are now called *freeholders*, as ſeiſed of a freehold eſtate, in oppoſition to tenant-right; but only that they were not bondmen or villeins of the lord holding in drengage.]

The arms of the *Engaines* were; Gules, a bend wavy, with ſix croſſes fitchet, Or, three above and three below.

At the eaſt end of the chancel are three little windows. In the middle window is a crucifix. In one of the other is the portrait of a woman in a poſture of devotion, and underneath are the ſaid arms, and writ above *Helynor Ingayne*. In the third window, in Mr. Machel's time, was a man leaning his cheek on his right hand, and holding a book in his left; and above, the arms of Fallowfield of Great Strickland.

In the 4 Ric. 2. the ſaid *Elianor*, being then a widow, made a ſettlement of the eſtate; for in that year there is a deed, wherein John de Dufton chaplain grants to *Elianore* who had been the wife of *William de Wybergh* and to *Thomas de Lowther* of Aſcome, their heirs and aſſigns, his manor of Clifton, with the rents and ſervices, milns, meadows, woods, and other appurtenances, which he had by the gift of the ſaid *Elianore*.

In the 14 Ric. 2. *William Engain* (uncle of the ſaid Elianore) grants to *William Ferrour* of Clifton and his heirs, all his lands and tenements, wood, paſture, and the like, at Clifton. And in the ſame year, *Thomas de Lowther* of Aſcome (aforeſaid) releaſes the ſame to *Ferrour*. Which ſaid *William Ferrour* was ſecond huſband of the ſaid *Elianor*. For in the next year, by the inquiſition *poſt mortem* of Roger de Clifford, it is found, that *William Ferrour* and *Elianor* his wife, as of the right of the ſaid *Elianor*, held of the ſaid Roger, on the day on which he died, the manor of Clifton.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that *William Wybergh* (probably ſon of *Elianor* by her former huſband) then held the manor of Clifton: And finds alſo, that the ſaid John de Clifford held at Clifton, in his demeſne as of fee, one meſſuage and 16 acres of land, worth yearly 12*s*.

In the 31 Hen. 6. *Thomas Wybergh* held Clifton of Thomas de Clifford as of his barony of Weſtmorland, by homage and fealty, and 16*s* 4*d* cornage, and other ſervices and rents reckoned amongſt the ſervices of the caſtle of Burgham.

In the the 17 Ed. 4. *Thomas Wybergh* on his ſon *William*'s marriage with Margaret daughter of John Wharton of Kirkby Thore eſquire, ſettles on the iſſue of the ſaid marriage, a tenement in Clifton then in poſſeſſion of Thomas Raper, one acre of land in Clifton called *drengage* acre, and one parcel of demeſne land there. This *Thomas Wybergh* died in the 19 Hen. 7. leaving his ſon and heir *William* then 30 years of age.

In the 5 Hen. 8. a contract was entred into between the ſaid *William* and Geoffrey Lancaſter of Melkanthorp gentleman, that *Thomas* ſon and heir of *John Wybergh* ſon and heir of the ſaid *William* ſhould marry Elizabeth daughter of the ſaid Geoffrey.

In the 18 Hen. 8. *Thomas Wybergh* eſquire held of Henry earl of Cumberland the manor of Clifton by the cornage as before, owing alſo wardſhip, marriage, relief, and ſuit to the county court; owing alſo further by the cuſtom of the caſtle of Burgham twenty-two quarters and an half of oats iſſuing out of the manor aforeſaid, which cuſtom is called *Dringage*, and was rented at divers times as the ſame could be ſold.

In the 28 Hen. 8. an award was made by Henry earl of Cumberland, between Sir John Lowther knight and *Thomas Wybergh* gentleman, concerning certain lands which the ſaid Thomas Wybergh had incloſed; by which it was awarded, that the ſaid Thomas ſhould hold the ſame incloſed as before.

In the 4 Ed. 6. *Thomas Wybergh* eſquire exchanged ſome lands at Clifton with the ſaid Henry earl of Cumberland.

In the 5 Eliz. on a diſpute concerning the boundary of the manor of Lowther, an indenture of agreement was made between Richard Lowther of Lowther eſquire and *Thomas Wybergh* of Clifton eſquire, ſetting forth the bounder marks particularly: And they further covenanted, that each of them in their own reſpective lordſhips will permit and ſuffer ſo much of the moor as laid unincloſed to lie ſo for ever, and not to incloſe any part of the moor, waſtes, or common of Lowther or Clifton, but that it ſhall lie as free common of paſ-

ture, for the beaſts and cattle of the inhabitants of both the towns and lordſhips as well of Clifton as of Lowther from thenceforth for evermore, without let, interruption, or diſturbance of either party.

This family ſuffered much in the civil wars in the reign of king Charles the firſt. The manor was mortgaged to Sir John Lowther, and never afterwards redeemed. But the hall and demeſne ſtill remain to the Wyberghs.

In the year 1652, *Thomas Wybergh* eſquire of St. Bees was in the liſt of delinquents (as they were called) whoſe eſtates were ordered to be ſold by an ordinance of Cromwell's parliament in that year.

This *Thomas* was ſucceeded by his ſon *Thomas Wybergh* eſquire, who died in the year 1670.

He alſo was ſucceeded by his ſon *Thomas*.

Who alſo had a ſon *Thomas*.

Who had another *Thomas*; who married *Mary* daughter and heir of Chriſtopher Hilton of Burton eſquire, and by her had 22 children. He died in 1753, and was ſucceeded by his eldeſt ſurviving ſon,

William Wybergh eſquire; who dying in 1757, was ſucceeded by his ſon and heir,

Thomas Wybergh of Clifton eſquire now ſurviving.

The arms of *Wybergh* are; Sable, three bars Or, with three mullets of the ſecond, two in chief and one in baſs.

The *hall* or manor houſe ſtands on the other ſide of the highway oppoſite to the church. It appears to have been a ſtrong, old building, turreted; in a pleaſant ſituation, with fair fields on every ſide. It ſeems to have been built by the Engaines, there being (in Mr. Machel's time) on the latches of ſome of the doors the arms of Engaine, and the ſame were formerly carved in wood over the dining room chimney, but now removed.

The *village* of Clifton contains about 25 families; beſides which there are about 7 ſtraggling houſes at *Clifton Dikes*.

Anciently, amongſt other ſervices, they paid a boon ſervice, which was, to go to St. Bees with man and horſe, to fetch ſalt from thence, or other neceſſaries, once in every year. For which, moſt of them would compound with the bailiff for half a crown, when he went to warn them, which was ſometimes in the depth of winter. But ſome would rather chuſe to go, and then they had 12*d* a piece of the lord, and bread and cheeſe and ale when they returned. The laſt that went was Henry Penrith *, who brought ſalt from St. Bees to Lowther, at the ſummons of Sir John Lowther, unto whom the manor was mortgaged.

The manor having come to the ſaid Sir John by virtue of the ſaid mortgage, the tenants paid a fine to him on the death of the mortgagor; and Thomas ſon of the ſaid mortgagor dying, Sir John demanded another fine upon his death; which the tenants conteſting, the matter was compromiſed, and the tenants paid 1000*l* for an infranchiſement, that is, to be free from all fines for the

* Machel.

future, but to pay their ancient rents; and it was agreed that the commons ſhould be incloſed, the tenants to have two thirds of the ſame (paying 2 *d* an acre), and the lord to have one third.

Clifton moor is memorable in hiſtory, on account of a ſkirmiſh between William duke of Cumberland and the rebels in the year 1745; wherein about 15 were killed on both ſides: in which lieutenant colonel (now lieutenant general) Honywood of Howgill caſtle was taken up for dead, having received ſeveral dangerous wounds in his head after his ſcull-cap was beaten off, his hat having before been cut through nine times.

Dr. Todd makes mention of a fountain near the bank of the river Lowther in this pariſh, of chriſtalline limpid water, ſtrongly impregnated with ſteel, nitre, and vitriol, which was of great benefit to perſons afflicted with ulcers and ſore eyes, and ſcorbutic complaints.

I.

PARISH OF ASKHAM.

ASKHAM ſeems to have been ſo called from ſome proprietor thereof in ancient time of the name of *Aſke*; for ſuch a name there was. So late as the reign of king Henry the eighth, Sir *Robert Aſke* of Yorkſhire is recorded in hiſtory for heading an inſurrection; and that ſame Sir Robert ſeems to have had ſome connexions in Weſtmorland, for he had a daughter married to Sir Robert Bellingham of Burneſhead. 'Tis true, this place of ancient time was moſt commonly, and in the moſt authentic inſtruments, written *Aſcum* or *Aſcom*. But this was only by way of accommodation to the latin idiom, rejecting the letter *k*; for they ſeem to have underſtood juſt ſo much of pure latin, as to know that it did not admit the letters *k* and *w*. *Aſcom* is the *home* or habitation of *Aſke*. The Saxon is *ham*; which, ſuffixed to the name of a place, ſeems generally to denote one of the more conſiderable towns or villages, of which *hamlet* is a diminutive.—*Aſkeby* (now *Aſby*) in the ſame county ſeems to be of the like derivation. Others derive the name of this place from the Saxon *Eſc*, which ſignifies an *hazel nut*; with which fruit this place even to this day remarkably abounds. And the word *Aſcum*, in the old law latin, ſignifies a boat; ſo denominated from its reſembling a nut ſhell.

The *pariſh* of Aſkham is bounded on the Eaſt by the pariſhes of Lowther and Bampton, on the South by the pariſh of Bampton, on the Weſt by the pariſh of Barton, and on the North by the pariſhes of Barton and Lowther; and conſiſts of about 81 families, all of the church of England, except only one or two.

The church is dedicated to St. Peter, perhaps in alluſion to the rock on which it is founded.

It is a vicarage, in the patronage of the owner of the hall and demeſne. It was valued in the 26 Hen. 8. at *6l 0s 0d.* The clear yearly value, as certified to the governors of queen Anne's bounty, *31l 16s 0d.*

This church was granted to the monaſtery of Wartre in Yorkſhire, and the appropriation thereof to the ſaid monaſtery was confirmed by pope Innocent the fourth in the year 1245. The canons of Wartre had alſo half a carucate of land at Aſkham *. After the diſſolution, the ſame was granted to Thomas earl of Rutland; who ſold the rectory and advowſon to Lancelot Lancaſter and Michael Hudſon; and they, for the ſum of *256l 2s 3d*, in the 34 Hen. 8. conveyed the ſame to Thomas Sandford eſquire of Aſkham; whoſe deſcendent William Sandford eſquire ſold the rectory to Sir John Lowther of Lowther in the year 1680, but reſerved the advowſon of the vicarage.

In the year 1295, which was the 24 Ed. 1. one *Richard de Seterington*, canon of Wartre, was vicar of Aſcom: On whoſe reſignation *William de Malton*, another canon of the ſame houſe, was preſented by the prior and convent; to whom inſtitution was given, on condition that (according to the order of the ſaid prior) he ſhould have always reſident with him another brother of the ſame order. For where the revenues would bear it, it ſeemeth to have been not unuſual to quarter upon the incumbent one other or more of the convent. Thus at Morland we find three rectors at one time.

In 1346, upon the death of *John Claworth* vicar of Aſcom, *Robert de Dale*, a canon of Wartre, was preſented by the ſaid prior and convent.

In 1359, the ſaid Robert reſigns; and *John de Wyntringham*, another canon of the ſame houſe, was preſented by the ſaid prior and convent.

In the year 1366, which was the 40 Ed. 3. one *Robert de Ferriby* appears to have been vicar of Aſkham. And in 1375, *Henry de Holme.*

In 1380, *John de Merton*, canon of Wartre, was preſented by the prior and convent.

In 1437, *John Danby* was vicar.

In 1448, *Robert Wreſyl*; who was afterwards vicar of Barton.

In 1563, on the death of *Thomas Watter*, inſtitution was given to *John Airay*, on the preſentation of *Thomas Sandford* eſquire.

In 1573, John Airay died. In whoſe time Thomas Sandford eſquire granted the preſentation on the two next avoidances to John Middleton of Farlam in the county of Cumberland gentleman, in conſideration of the good counſel and advice given to him the ſaid Thomas Sandford in his cauſes. And Mr. Middleton preſented *John Simpſon*, who received inſtitution thereupon. This John Simpſon died in the year 1604; and upon this vacancy, there is a caſe ſtated, and the opinion of Sir Edward Coke thereupon. The caſe ſtates the death of Middleton before the avoidance, and that he had by his will given the next turn back again to the heirs of Thomas Sandford; that the heirs had refuſed the bequeſt; and one of the queſtions is, whether the executors of Middleton ſhould preſent, or it would fall to the biſhop. On the margin of this query, Sir Edward writes, " The preſentment of the executors is good in

* Burton's Monaſt. Ebor. 381.

law,

law, and the biſhop ought to allow of it." However, the living was ſuffered to lapſe, and the biſhop thereupon collated Thomas Warwick, M. A.

In 1611, on Mr. Warwick's reſignation, *John Hutchinſon* was inſtituted, on the preſentation of Chriſtopher Tealdale purchaſer of this turn.

In 1635, John Hutchinſon reſigns, and *Lancelot Hutchinſon* is inſtituted, on a preſentation by king Charles the firſt, in right of Thomas Sandford a minor, his ward. This Lancelot was ejected during the uſurpation of Oliver Cromwell, and was ſucceeded by *Chriſtopher Langhorne*. Which Chriſtopher was ejected in his turn after the Reſtoration, and Lancelot Hutchinſon reinſtated.

In 1678, *Joſeph James*, maſter of arts of one of the univerſities of Scotland, was preſented by William Sandford eſquire.

In 1681, Joſeph James reſigns; and *Thomas Bell*, maſter of arts of Scotland, was preſented by William Sandford eſquire.

In 1690, the ſaid Thomas Bell was deprived, for not taking the oaths to king William and queen Mary; and *David Bell*, maſter of arts of Scotland, brother to the ſaid Thomas, was inſtituted on the preſentation of the ſame William Sandford eſquire.

In 1695, on the ceſſion of David Bell to Kirklinton, *John Siſſon*, B. A. was preſented by the ſame patron.

John Siſſon died within a year after, and *Jeremy Seed*, B. A. was preſented by the ſame patron.

In 1707, on the ceſſion of Jeremy Seed to Clifton, *Archer Chambers*, M. A. was preſented by the ſame patron.

In 1711, on the death of Archer Chambers, inſtitution was given to *Lancelot Siſſon* clerk on the preſentation of the ſame patron.

In the ſame year, on the ceſſion of Lancelot Siſſon, *Jeffrey Bowneſs*, B. A. was inſtituted on the preſentation of the ſame patron.

In 1723, on the ceſſion of Jeffrey Bowneſs to Clifton, *William Milner*, maſter of arts of Scotland, was inſtituted on the preſentation of the ſaid William Sandford eſquire, being the ninth vicar preſented by the ſame patron.

The CHURCH is a ſmall old building, with two little bells. Upon the timber in the body of the church, are the letters ED, TS, 1593; for Edmund Dudley and Thomas Sandford who probably gave timber for the repair thereof. And upon one of the coupling beams are the letters J B, ſuppoſed to mark the timber contributed by John Bradley of Knipe.

At the entrance into the chancel, lies a large grave ſtone; under which, in digging a grave, was found a ſtone coffin, and on the covering this inſcription JOHES DE CLAWORTH, who (as appears above) was vicar there, and died in 1346.

On the ſouth ſide is a large ile belonging to the hall. Under an arch in the ſaid ile is an old monument, whereon is now only legible WILS DE SANFORD (lord of the manor, who died in the 5 Hen. 5.)

There is alſo a *chapel* in the hall or ancient manor houſe.

The *vicarage houſe* was built by Lancelot Hutchinſon vicar, in the reign of king Charles the firſt.

II.

II.

OF THE MANOR OF ASKHAM.

The firſt account that we meet with of this manor is in the reign of king Henry the third, when Sir *Thomas de Helbeck* (lord of the manor of Helbeck) received the ſame in exchange for divers lands holden by knight's ſervice *.

He had a ſon *Thomas de Helbeck*, who alſo had a ſon *Thomas de Helbeck*, who in the 3 Ed. 2. appears by inquiſition to have held the manors both of Helbeck and Aſcom.

But ſoon after, we find this manor gone out of the name of Helbeck; for in the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Robert de Swineburne* then held the manor of Aſcom, by homage and fealty, and 50*s* 9*d* cornage. And the wardſhip thereof, when it ſhould happen, was eſtimated at 20*l*.

In the 46 Ed. 3. *Robert de Swynburn* conveyed the ſame to William de Sandford ſenior clerk, William de Sandford junior clerk, Thomas Bannay, and Edmund de Sandford; who all joined in a conveyance in the 48 Ed. 3. to William Colynſon; which William Colynſon reconveyed the ſame in the 49 Ed. 3. to the ſaid *Edmund de Sandford* in fee. Which Edmund was founder of the family of the Sandfords both at Aſkham and Howgill. He was younger brother of *William de Sandford*, lord of the manor of Sandford in the pariſh of Warcop, deſcended of a family of the ſame name, who had been lords of the manor there, for ſeveral generations, at leaſt from the reign of king Richard the firſt. And with this Edmund we begin our pedigree of the Sandfords of Aſkham.

1. The ſaid *Edmund de Sandford* married Idonea, daughter and heir of Sir *Thomas Engliſh (L'Engleys)* lord of Little Aſby, of an ancient family there: by which he came not only to the manor of Little Aſby, but alſo to a moiety of the manor of Helton, and a large eſtate in land at Aſkham, which ſhe inherited from her father. All which was previous to the purchaſe made by her huſband of the manor of Aſkham.

He had by his ſaid wife five children, *viz. William*, *Robert*, *John*, a daughter *Joan* married to Robert Brette eſquire, and another daughter *Idonea* who ſeems to have died unmarried.

He died in the 50 Ed. 3. His wife ſurvived him, and married to her ſecond huſband Sir Thomas Ughtred knight, and to him had iſſue William and Margaret. She ſurvived her ſecond huſband alſo; for in the 10 Hen. 4. there is a bond from *Idonea Ughtreth*, late wife of *Thomas Ughtreth* knight, to *William Sandford* knight her ſon for performance of covenants.

In the 2 Hen. 5. there is a will of the ſaid Idonea, in which ſhe conſtitutes two executors, *viz.* Robert Brette eſquire, who married her daughter Johan; and her ſon *John Sandford*, brother of the ſaid *William*: And therein ſhe charges

* Machel, from the Benkinſop evidences at Helbeck.

her

her ſon Sir *William Sandford*, and that he ſhall charge his ſons, and ſons ſons after him, to provide a fit prieſt to celebrate divine ſervice in the church of Aſcome for ever, for the ſouls of their benefactors and of all faithful people departed this life; on pain of her bleſſing or malediction. It is dated at Craneſle in the county of Northampton (probably where her ſecond huſband had reſided).

And there is alſo a ſchedule of her eſtate in Weſtmorland, as followeth: "I dame Edone Sandforth" [by which it appears, after the death of Ughtreth, that ſhe occaſionally re-aſſumed the name of Sandforth) "makyth my "remembrance of all my landys in Weſtmerland, the wyche ys myn herritake: "yat is to ſay, the tone halfe off the towne off Helton Flechane wyth the "purtenance, yat is to ſay, Helton-dall wyth the ſkewegh. Item, lond in "Carholond. Item, lond in Butterwyke. Item, the manor of Knype. "Item, Satrow parke, wyth the browne more. Item, the Depeynge. Item, "the Court yard, wyth the Rodebanke, and the ſchaype cott; and halfe the "mylne of Helton. Item, Stockthwayte and Wythwath. Item, two acrs "of lond in the Whale that lyeth by the beke. Item, a barwayne at Helton "towne head. And theſe parcells above ſayd ys myne anerytance be my "lord my fader the whych my lady my graname guaffe my fader and to hys "hayres. Item, I have in Aſcome eight oxgangs of lond, and halfe the "mylne longyne to the ſame, the wych my lord my fader purchaſe of Syr "Hew of Lowther, and gauffe it to me. Item, as tochyng the mannor and "the londes and the towne of Aſcome, the wych that my lord my huſband "and I purcheſed of Syr Robert Swyneborne that coſt us eight hondreth "marks and fifty, of the wyche my therde as I hade in Syr Thomas Ughtred "dayes: and for theſe londes of Aſcome the chyld ſuld be ward gyff the law "will, and for noe nother londes that myne is."——In this ſchedule, the manor of Little Aſby is not mentioned: And for that, (being held by knight's ſervice) an infant heir would have been ſubject to wardſhip. Probably, it was ſettled upon the marriage of her ſon William. It is certain it was then in the family, and after ſeveral generations was given to a younger brother who removed to Howgill, in whoſe poſterity it ſtill continues.

She was living five years after this; for in the 7 Hen. 5. ſhe made another will (her ſon *William* being then dead), wherein ſhe bequeathed "her body "to be buried in the church of St. Peter in Leyceſter, and to the ſaid church "her principal legacy, being her beſt veſtment, by name a mantle: To Idonea Sandford ſhe bequeathed her beſt black bed with the appurtenances: "To the mother of Robert Brette, all her gowns and curtles: To Johan her "daughter one veſſel of ſilver, without a cover: To the ſaid Idonea all her "cheſts and jewels: And to Robert Sandford her heir thoſe 8 oxgangs of "land, and half of the mill in Aſcome, which her father bought of Sir Hugh "de Lowther; upon condition that he find one chaplain to celebrate maſs "for the ſoul of her father and her anceſtors in the chapel of St. Mary of Aſcome; and if he find one, then a certain diſtribution of 10*s* for the ſoul of "her father aforeſaid and their anceſtors; but if he will not ſo do, then the "ſaid oxgangs to be ſold, and the money thence ariſing to be applied for the "finding

" finding a chaplain and making diſtribution as aforeſaid."——Which chapel then ſtood nigh unto the hall, diſtinct from other buildings.

Before we take our leave of *Edone Sandford*, it occurs to obſerve a ſort of pride frequently in the heireſs of an ancient family, in recounting the titles and eſtates of her anceſtors. She conſiders herſelf as poſſeſſed of all the blood of all her progenitors. And this excites a laudable effort to perpetuate the name, by works of magnificence or of charity. Dame *Helene Engayne* at Clifton had her portrait and name depicted in one of the church windows, in token (no doubt) of her having been a benefactreſs there. And in an higher ſphere, the lady Anne counteſs dowager of Pembroke will be memorable at Appleby for generations to come.

The arms of *Engliſh* were; Sable, 3 lions rampant, caud inflexed, Argent.

2. Sir *William de Sandford* of Aſkham knight, ſon of Edmund and Idonea. In the 15 Ric. 2. after the death of Roger de Clifford, the inquiſition finds, that William de Sandford then held the manor of Aſkham.

In the 9 Hen. 4. William de Hoton in Foreſta and William de Bolton quit claim to Sir William de Sandford knight, of all their right which they had in the manor of Aſkham, with the mill there, and other lands elſewhere.

This Sir William died before his mother, about the 5 Hen. 5. for in that year there is a receipt for rent given by her to his executors William de Hoton in Foreſta de Inglewod, Hugh de Salkeld de Roſgill, John de Lancaſtre de Brampton, and William de Wybergh.

He died without iſſue, and was ſucceeded by his brother,

3. *Robert de Sandford.* That this Robert was younger brother of William, we find, for that at Little Aſby about that time, one Thomas Dalamore held the manor of Little Aſby in right of his wife, late wife of William Sandford elder brother of Robert Sandford eſquire; and that ſhe had the ſame in jointure with her ſaid late huſband, the reverſion thereof belonging to the ſaid Robert.

This Robert ſucceeded his brother about the 5 Hen. 5. as aforeſaid, and his mother Idonea 3 or 4 years after. For in the 8 Hen. 5. he appears to have been poſſeſſed of all the lands, tenements, rents, reverſions, and ſervices, left by lady Ughthrich, with the appurtenances in the county of Weſtmorland.

In the 10 Hen. 5. after the death of John lord Clifford, Robert de Sandford held the manor of Aſcome.

He married Elizabeth Thornburgh; and died in the 38 Hen. 6.

4. *Thomas Sandford* eſquire, ſon and heir of Robert, married Margaret Muſgrave, and died in the 2 Hen. 8.

5. *William Sandford* eſquire, ſon and heir of Thomas. He married Mabel daughter of Sir Chriſtopher Curwen knight, lord of the manor of Bampton and Knipe Patrick, and died before his father.

6. *Edmund Sandford* eſquire, ſon and heir of William. He married Elizabeth Warcop; and by her had iſſue, Thomas; Dorothy, married to Richard Dudley of Yanwith; Joan, married to William Thwaites of Unerigg; and another daughter, who died unmarried. He died in the 9 Hen. 8.

7. Sir *Thomas Sandford* knight, ſon and heir of Edmund, married Anne one of the three daughters and coheirs of Anthony Crackenthorp of Howgill, brother of Ambroſe Crackenthorp, whoſe father married a Lancaſter; whence they quarter the coat of the Lancaſters of Howgill. Which Sir Thomas, beſides his eldeſt ſon Thomas, had a younger ſon *Richard Sandford* eſquire, who removed to his mother's inheritance at Howgill, and was founder of the family of the Sandfords of Howgill. He had alſo a daughter Dorothy, married to Alan Bellingham of Helſington eſquire, who had iſſue Sir James Bellingham father of Sir Henry Bellingham of Levins.—He died in the 6 Eliz.

8. *Thomas Sandford* of Aſkham eſquire, ſon and heir of Sir Thomas by his wife Anne Crackenthorp. He married Anne, eldeſt daughter of Cuthbert Hutton of Hutton John; who bore, Gules, a feſs between three Cuſhions Argent, taſſeled, Or.—The ſaid Thomas began the building at Aſkham-hall in the back court, which was afterwards finiſhed by his executors. Over the gate, on a tablet, are the arms quarterly of Sandford, Engliſh, Crackenthorp, and Lancaſter; and underneath, this inſcription in capital letters curiouſly raiſed.

Thomas Sandford eſquyr
For thys paid meat and hyr;
The year of oure ſavioure
XV hundrethe ſeventy foure.

He died in the ſame year.

9. *Thomas Sandford* eſquire, ſon and heir of Thomas, married Martha daughter of Sir John Witherington knight; whoſe arms were, quarterly Argent and Gules, a bend Sable on the firſt and fourth.—They had iſſue John, Edmund, Elizabeth, Anne, Martha, Dorothy, and Margaret. He died in the 7 Ja. 1.

10. *John Sandford* eſquire, ſon and heir of Thomas, married Mary only daughter of Edward Aglionby of Carliſle eſquire; and died in the 5 Cha. 1. He had iſſue,

11. *Thomas Sandford* eſquire; who was a captain in the army of king Charles the firſt, in the year 1648. He married Elizabeth eldeſt daughter of William Orpheur of Plumland-hall otherwiſe called High Cloſe, eſquire. The Orpheurs bear; Sable, a croſs with a mullet in dexter point Argent. He died in the 31 Cha. 2.

12. *William Sandford* eſquire, ſon and heir of Thomas, married firſt Mildred one of the daughters and coheirs of Sir Willoughby Rookeby of Murtham and Skyres in the county of York baronet; and ſhe dying without iſſue was buried at Aſkham, where a handſome monument is erected to her memory. He afterwards married Dorothy daughter and ſole heir of George Smalwood of Upleatham eſquire, by Dorothy the laſt and ſole heireſs of the Colthirſt family, and by her had a ſon William, who died in his minority; and ſeveral daughters, the eldeſt of whom, *Mildred*, was married to *William Tatham* of Overhall in the county of Lancaſter eſquire, to whom ſhe had (beſides ſeveral other

other children) her eldeſt ſon and heir *William Tatham* eſquire a very learned and eminent counſellor at law, who died in 1775 unmarried.

The paternal arms of Sandford are; party per cheveron Sable and Ermine, two boars heads in chief coupy Or.

III.

OF THE MANOR OF HELTON FLECKET.

This place hath received this deſcriptive denomination, to diſtinguiſh it from another Helton in this county which was called *Helton Bacon* from a family of the name of *Bacon*, owners thereof. Probably this Helton alſo might be denominated from the owner; but this hath been more early than we have any notice. Anciently it was written *Fleckan*, *Flechen*, ſometimes *Fleckam*.

In the partition of the Veteripont inheritance between the two daughters of the laſt Robert, in the 14 Ed. 1. the homage and ſervices of *Robert de Morvill*, for the manor of *Helton Flechan*, were aſſigned to the younger daughter Idonea.

Which *Robert de Morvill* died in the 18 Ed. 1. and this manor was divided between his two daughters and coheirs *Margaret* married to *Weſſington*, and *Idonea* married to *Engliſh*.

The *Weſſington* moiety proceeds as follows: In the 8 Ed. 2. after the death of *Robert de Clifford*, the inquiſition finds, that *Walter de Weſſington* held the ſame; the wardſhip whereof was worth 6*l* 13*s* 4*d*, the cornage 16*s* 4*d*. In the 31 Ed. 3. *William de Weſſington* and *Alice* his wife levied a fine of a moiety of the manor of Helton Flechan, to the uſe of *William Weſſington* (probably their ſon). Sir Daniel Fleming ſays, it belonged afterwards to *Mallory* and *Norton*; and finally came by purchaſe to the houſe of Lowther.

The account which occurs to us of the *Engliſh* moiety is thus: *Idonea* the younger daughter of Robert de Morvill, being married to *Robert Engliſh* lord of Little Aſby, had a ſon *William*, who had a ſon *John*, who had a ſon *Robert*, who had a ſon *Thomas*, which *Thomas* in the 13 Ed. 3. obtained a grant of free warren at Helton Flecham, with licence to impark the wood of Satron.

The ſaid *Thomas* had an only daughter and heir *Idonea* married to *Edmund de Sandford* as aforeſaid; in whoſe name and family this moiety continued, till the laſt of the name at Aſkham, William Sandford eſquire, ſold the ſame to Sir John Lowther in 1680.

PARISH OF LOWTHER.

LOWTHER undoubtedly hath its name from the river. The word is Britiſh, and ſignifies clear water. So *Lauder*, a river in Scotland, gives name to *Lauderdale*.

The *river* Lowther ſprings in Wet Sleddale in the pariſh of Shap, and runs along by Shap abbey, Roſgill hall, through the pariſh of Bampton, by Aſkham and Lowther halls, Clifton hall, Round table, and at Brougham caſtle falls into Eamont, where it loſeth its name, and is carried along with the river Eamont into Eden.

The *pariſh* of Lowther is bounded on the eaſt by the pariſh of Morland; on the ſouth by the pariſhes of Shap, Bampton, and Aſkham; on the weſt, by the pariſhes of Aſkham and Barton; and on the north, by the pariſh of Clifton; and contains about 72 families, all of whom (except only one diſſenter) are of the church of England.

It is a rectory, valued in the king's books at 25*l* 7*s* 3½*d*; and is in the patronage of Sir James Lowther baronet.

Before we proceed to the ſeveral particulars relating to this pariſh, it is neceſſary to give ſome account of the family which derived their name from hence.

I.

FAMILY OF LOWTHER.

I. THE firſt of the name of *Lowther* that we have met with, appear in a grant of lands at Kirkby Thore, by Liulf ſon of Liulf of Kirkby Thore to the abbey of Holm Cultram, in the reign of king Henry the ſecond. To which grant, amongſt other perſons of conſiderable note, are witneſſes WILLIAM DE LOWTHER, and THOMAS DE LOWTHERE.

And to a grant by W. Breton of a carucate of land at Colby to the abbot Clement and the fraternity of the abbey of St. Mary's York, the Witneſſes are, Robert archdeacon of Carliſle, Murdac dean (rural) of Appleby, *William de Lowther*, Adam de Muſgrave, Goſpatric ſon of Orme, Torphin de Wateby, Thomas de Hellebeck, Gamel de Sandford, Adam ſon of Uchtred de Botelton, Alan ſon of Torfin, Waldeve de Kirkby Thore, William de Appilby, and Copſi Maureward. (The ſaid Clement was made abbot in the 32 Hen. 2.)

II. To a deed of Lands at Slegill, without date; amongſt others, are witneſſes Sir THOMAS DE LOWTHER and *Alan de Berwys*; which Alan appears to have lived in the reign of king Henry the third. So that it is not improbable, that this Sir *Thomas* was the *Thomas* above mentioned, and ſon of the ſaid *William*. And about the ſame time, *Thomas de Lowther* was witneſs to the foundation

dation charter of a chantry in the chapel at Great Strickland hall: And to an agreement between the prior of Wetheral and Alexander de Windſor concerning Morland wood *.

III. The next that we meet with, was Sir GERVASE DE LOWTHER knight, who lived in the reign of the ſame king Henry the third †. About the ſame time, *Gervaſe de Lowther* archdeacon of Carliſle often occurs.

IV. Next we come to a pedigree certified at an herald's viſitation of Yorkſhire in 1585, and at a viſitation of Weſtmorland in 1627 ‡. Both which pedigrees begin with Sir HUGH DE LOWTHER knight, who was attorney general in the 20 Ed. 1. and knight of the ſhire in the 28 Ed. 1. and again in the parliament holden at Northampton in the 33 Ed. 1.

He married a daughter of Sir Peter de Tilliol of the county of Cumberland knight; and by her had iſſue, 1. *Hugh*, his ſon and heir. 2. *Thomas*, who was one of the jurors on the inquiſition *poſt mortem* of Alexander king of Scotland in the 21 Ed. 1. who found, that he died ſeiſed of the manors of Penrith, Soureby, Languetheby, Salkild, Carlatton, and Scotby; which he held of the king of England *in capite*, rendring for the ſame yearly one ſoar hawk at the caſtle of Carliſle, and doing to the king of England for the ſame homage and fealty: And that John de Balliol was his next heir, of the age of thirty years.

The ſaid Sir *Hugh* was afterwards juſtice itinerant and eſcheator on the north ſide of Trent, and in the 5 Ed. 3. was made one of the juſtices of the court of king's bench.

V. Sir HUGH DE LOWTHER, ſon of the laſt Sir *Hugh*, according to both the aforeſaid pedigrees, married a daughter of Lucy lord of Cockermouth. In a pedigree of this family at Rydall hall, it is ſaid that he married Margaret daughter and heir of William de Quale. Perhaps both may be right; as one of theſe two might be his ſecond wife. It is certain, the Lowthers, next after their paternal coat, quarter the arms of Whale; *viz.* Ermin, a canton Azure, charged with a croſs upon 3 ſtares Argent.

This Sir Hugh de Lowther, taking part with Thomas earl of Lancaſter and other nobles, who reſented the haughtineſs and pride of Piers de Gaveſton earl of Cornwall, the great favourite of Edward the ſecond, had the king's pardon with the ſaid earl of Lancaſter and others of great quality, for taking arms, and being concerned in the death of the ſaid Piers de Gaveſton, or any others whatſoever, according to a ſpecial proviſion in the parliament held at Weſtminſter in the 7 Ed. 2. whereby it was enacted, that none ſhould be called to account for the death of the ſaid Piers de Gaveſton.

In the 17 Ed. 2. he was one of the knights of the ſhire for Cumberland; and the year following this Hugh de Louthre and Richard de Denton were commiſſioned to array and have ready all men at arms in the county of Cumberland, an invaſion being threatned by the French king, who with a great

* Regiſtr. Wetheral. † Collins's Peerage. ‡ Machel.

army had entred the duchy of Gaſcony; and on the 17th of November in the ſame year, he and John de Lancaſtre of Holgill were commiſſioned to array all men at arms in the county of Weſtmorland, and to be in readineſs to attend the king, who determined at Eaſter to go in perſon againſt the French, who had taken ſeveral towns in his duchy of Guyenne.

In the 13 Ed. 3. he was again commiſſioned to array all men at arms in the counties of Weſtmorland and Cumberland, the king then going beyond the ſeas.

In the 14 Ed. 3. he ſerved for the county of Weſtmorland, in the parliament held at Weſtminſter.

In the 15 Ed. 3. he was again returned one of the knights for the county of Cumberland, to the parliament held at Woodſtock, and with Peter de Tylliol the other knight had a writ for 19*l* 12*s* to be levied on the county for their expences in attending 49 days.

In the 17 Ed. 3. he ſerved for the ſame county, wirh John de Orreton; and in the year following was elected with Henry de Malton.

He was ſheriff of the county of Cumberland in the 26, 27, 28 Ed. 3. And in the 33d, and again in the 46 Ed. 3. he was returned one of the knights for the county of Weſtmorland *.

VI. The next in the aforeſaid pedigrees is Sir ROBERT DE LOWTHER knight; who married Margaret daughter and heir of William Strickland biſhop of Carliſle.

At the ſame time was *John de Lowther* (younger brother, as it ſeemeth, of the ſaid Robert), who in the 50 Ed. 3. was returned one of the knights for the county of Weſtmorland, and in the indenture is ſtyled John ſon of Hugh de Louthre. He was alſo returned for the ſame county with James de Pickering to the parliament held at Glouceſter in the 2 Ric. 2. and the year following with William de Threlkeld to the parliament held at Weſtminſter.

There was alſo another brother *William*; who in the 14 Ric. 2. with Sir Thomas Colville and Sir John Etton knights, William Selveyn, Henry Van-Croypole, and Simon Ward, obtained the king's licence to challenge certain perſons of the kingdom of Scotland, to exerciſe feats of arms. And thereupon the king appointed John lord Roos to fix a camp, and to be judge in the ſaid exerciſe. In the 2 Hen. 4. this *William de Louthre* was ſheriff of Cumberland, as alſo in the 8th year of the ſame king.

The ſaid Robert de Lowther was one of the knights for Cumberland, in the parliament held at Weſtminſter in the 17th of Ric. 2.

In the 2 Hen. 4. he was again elected for Cumberland. And in the 5 Hen. 4. he ſerved for that county, together with his brother William.

In the 8 Hen. 4. he was choſen, with John de Skelton, knight for Cumberland: And in the ſame year was in commiſſion with William Oſmonderlowe, William Stapilton, and the ſheriff of Cumberland, to levy an aid in the ſaid county, for making the king's eldeſt ſon a knight, and the marriage of the

* Collins.

king's

king's eldeſt daughter, *viz.* 20*s* out of each knight's fee, and 20*s* for every 20*l* land held in ſocage, according to an act of parliament in the 21 Ed. 3.

In the 2 Hen. 5. he was choſen with Sir William de Leigh, and in the 5 Hen. 5. with Sir Peter de Tilliol, knight for Cumberland.

He died in the 9 Hen. 6. and the following epitaph was inſcribed on a braſs plate on Lowther church to his memory:

Moribus expertus, et miles honore repertus,
Lowther Robertus jacet umbra mortis opertus.
Aprilis menſe decimante diem, necis enſe
Tranſit ad immenſe celeſtis gaudia menſe.
Mille quadringentis ter denis, mens morientis,
Annis, viventis eſcas capit omnipotentis.

His widow ſurvived him a conſiderable time. For in the 22 Hen. 6. *Margaret*, who had been the wife of Robert Lowther knight, demanded againſt Iſabella who had been the wife of John Barton the manor of Ormeſhead and lands in Great Aſby. He had iſſue, 1. *Hugh.* 2. *Anne*, married to Sir Thomas Curwen of Workington knight. 3. *Mary*, married to Sir James Pickering of Killington knight. 4. *Elizabeth*, married to William Lancaſter.

VII. Sir Hugh Lowther knight, ſon and heir of Robert, married Margaret daughter of John de Derwentwater. He ſerved in his father's life-time under that victorious monarch king Henry the fifth, and was in the famous battle of Agincourt, there being with him *Geffrey de Louther* and *Richard de Louther*. He was ſheriff of Cumberland in the 18 Hen. 6. and ſeems to have died not long after.

VIII. Sir Hugh Lowther knight, ſon and heir of *Hugh*, married Mabil daughter of Sir William Lancaſter of Sockbridge. In the 27 Hen. 6. he was repreſentative in parliament of the county of Cumberland together with Sir Thomas Curwen.

In the 31ſt year of this king's reign, there was one Sir *Robert Lowther* knight, an arbitrator between the chantry prieſt of Appleby and the lord of the manor of Ormſhead, concerning a watergate to Rutter beck. Which Sir *Robert* ſeems to have been brother or uncle of this Sir *Hugh*.

In the 34 Hen. 6. the ſaid Sir *Hugh* was ſheriff of Cumberland.

He died in the 15 Ed. 4.

IX. Sir Hugh Lowther knight, ſon and heir of the laſt Sir *Hugh* by his wife Mabil Lancaſter, married Anne daughter of Sir Lancelot Threlkeld by Margaret Bromflet heireſs of Veſcy and widow of John lord Clifford.—And with this Hugh, and not before, comes in the pedigree certified by Sir John Lowther at Sir William Dugdale's viſitation in 1664.

In the 22 Ed. 4. dame *Mabil Lowther* and *Hugh Lowther* her ſon demiſed Newton Miln for 21 years to John Fleming of Rydal eſquire.

In the 17 Hen. 7. this Hugh was made one of the knights of the Bath, at the marriage of prince Arthur, eldeſt ſon of the ſaid king.

He died about the ſecond year of king Henry the eighth; leaving iſſue, *John*, *Lancelot*, and *Robert*; and two daughters, *Joan* married to the ſaid John Fleming eſquire, and *Mabil* married to John Leigh eſquire.

X. Sir JOHN LOWTHER, knight, married Lucy daughter of Sir Thomas Curwen of Workington.

In the 4 Hen. 8. he was arbitrator in a diſpute between the abbot of Furneſs and the aforeſaid John Fleming of Rydal eſquire. He was ſheriff of Cumberland in the 7 Hen. 8. the 34 Hen. 8. and the 4 Ed. 6.

He had a ſon *Hugh*; and a daughter *Mabil*, married to Chriſtopher Dalſton of Uldale eſquire.

XI. Sir HUGH LOWTHER knight, ſon and heir of Sir *John*, by his wife Lucy Curwen. He married Dorothy daughter of Henry lord Clifford; and by her had iſſue, 1. *Richard*. 2. *Gerard*, a bencher in Lincoln's-inn. 3. *Margaret*, married to *John Richmond* of High-head caſtle eſquire. 4. *Anne*, married to Thomas Wybergh of Clifton eſquire. 5. *Frances*, married to Sir Henry Goodyer of Powleſworth knight. 6. *Barbara*, married to Thomas Carleton of Carleton eſquire.

He died before his father, and his eldeſt ſon ſucceeded his grandfather Sir John; *viz.*

XII. Sir RICHARD LOWTHER knight. He married Frances daughter of John Middleton of Middleton hall eſquire. He was ſeveral times ſheriff of Cumberland. He was alſo lord warden of the Weſt Marches, and thrice commiſſioner in the great affairs between England and Scotland. In the 11th year of queen Elizabeth, when Mary queen of Scots fled into England, and arrived at Workington; queen Elizabeth, on notice thereof, ſent orders to this Sir *Richard Lowther* to convey her to Carliſle. But whilſt that princeſs was in his cuſtody in the caſtle of Carliſle, he incurred the queen's diſpleaſure by permitting the duke of Norfolk to viſit her.

He had iſſue by his wife Frances Middleton 8 ſons and 7 daughters; *viz.* 1. *John*, who died before his father, without iſſue. 2. *Chriſtopher*. 3. *George*, who died without iſſue. 4. *Gerard*, who was chief juſtice of the common pleas in Ireland, and died without iſſue. 5. *Hugh*, a captain in the army, in the time of queen Elizabeth and king James. 6. *Richard*, who died without iſſue. 7. *Lancelot*, one of the barons of the exchequer in Ireland. 8. *William*, who married Elianor Welbery of Ingleton in Yorkſhire; from whom deſcended the Lowthers of Ingleton. The daughters were, 1. *Anne*, married to Alexander Fetherſtonhaugh of Northumberland eſquire. 2. *Florence*. 3. *Frances*, who died young. 4. *Margaret*, who died unmarried. 5. *Dorothy*, who died young. 6. *Mabel*, who alſo died young. 7. *Frances*, married to Thomas Clyburne of Clyburne eſquire.

On

On a mural monument in the family burying place in Lowther church is the following inſcription:

Sir Richard Lowther knight ſucceeded Henry lord Scroop in the office of lord warden of the Weſt Marches; and was thrice a commiſſioner in the great affairs between England and Scotland all the time of queen Elizabeth. And after he had ſeen his children to the fourth degree, given them virtuous education and means to live, advanced his brothers and ſiſters out of his own patrimony, governed his family and kept plentiful hoſpitality for 57 years together, he ended his life the 27th of January, A. D. 1607. Ætatis ſuæ 77.

XIII. Sir CHRISTOPHER LOWTHER knight, ſecond ſon and heir of Sir *Richard*, by his wife Frances Middleton. When king James the firſt came into England, on his acceſſion to the crown, he was waited on by Mr. Lowther with a gallant company from the borders of Scotland to Newcaſtle; where the king conferred upon him the order of knighthood.

In the 15th year of the ſame king, he was in a ſpecial commiſſion with the lord William Howard, Philip lord Wharton, and others, for repreſſing all murders, robberies, and other diſorders, on the borders of Scotland. He was alſo in all other commiſſions, concerning the government of the counties of Cumberland and Weſtmorland.

He married Eleanor daughter of Sir William Muſgrave of Hayton in Cumberland; and by her had iſſue 8 ſons and 4 daughters, *viz.* 1. *John*, who ſucceeded him. 2. *Gerard*, a captain, ſlain in the wars againſt the Turks, in the king of Poland's ſervice. 3. *Richard*, barriſter at law. 4. *Chriſtopher*, rector of the church of Lowther. 5. *William*, clerk of the warrants of the common pleas in Ireland. 6. *Lancelot*, rector of the church of Marton; who married Eſther Pearce of the city of Dublin, and by her had *Chriſtopher Lowther* of Colby Laithes; who had a ſon *Gerard Lowther* rector of Bowneſs, father of *Henry Lowther* now rector of Aikton, whoſe ſon and heir apparent *William Lowther*, is the preſent rector of Lowther. 7. *Robert Lowther*, alderman of London, who married to his firſt wife Margaret daughter of Thomas Cutler of Steinburgh in Yorkſhire; his ſecond wife's name was Holcroft, by whom he had two ſons, firſt, *Anthony*, who had iſſue Sir *William Lowther* of Maſk baronet, who by his wife Catherine daughter and heir of Thomas Preſton of Holker eſquire had iſſue Sir *Thomas Lowther* of Holker baronet, who by his wife Elizabeth daughter of William Cavendiſh duke of Devonſhire had iſſue Sir *William Lowther* of Holker and Whitehaven baronet, who died unmarried: The other ſon of Robert was *John Lowther*, who married the widow of George Preſton of Holker eſquire, and died in 1697. 8. *George Lowther*.—The daughters were, 1. *Eleanor*, married to Richard Fallowfield of Strickland hall eſquire. 2. *Anne*. 3. *Frances*, who died young. 4. *Frances*. Beſides theſe, the ſaid Sir Chriſtopher had a natural ſon Sir *Gerard Lowther*, who was one of the judges in Ireland.

XIV. Sir JOHN LOWTHER knight, eldeſt ſon of Sir *Chriſtopher*. He was one of the knights for the county of Weſtmorland in the 21ſt year of king

James the firſt, as alſo in three parliaments in the reign of Charles the firſt; in the laſt of which, *John Lowther* eſquire his eldeſt ſon was elected with him. He was one of his majeſty's counſel at York for the northern parts.

He married Eleanor daughter of William Fleming of Rydal eſquire; and by her had iſſue 3 ſons and 2 daughters. The ſons were,

1. *John*, who ſucceeded him.

2. *Chriſtopher*, who was created baronet in 1642. His father purchaſed for him the eſtate at St. Bees and Whitehaven. He married one of the coheireſſes of the Lancaſters of Sockbridge; and by her had iſſue Sir *John Lowther* of Sockbridge, afterwards of Whitehaven, who ſerved in parliament as knight of the ſhire for Cumberland, from the 31ſt year of king Charles the ſecond till that king's death. He was one of the commiſſioners of the admiralty in the reign of king William. He married Jane daughter of Webley Lee eſquire, and beſides 3 daughters, *Elizabeth*, *Catharine*, and *Jane*, had iſſue *Chriſtopher*, who had a daughter Frances married to Richard Lamplugh of Ribton eſquire; and another ſon the late Sir *James Lowther* of Whitehaven baronet, who died unmarried.

3. *William*, from whom are deſcended the Lowthers of Swillington.

The two daughters were, *Agnes* married to Roger Kirkby of Furneſs in Lancaſhire eſquire; and *Frances* married to John Dodſworth of Thornton Watlaſs in the county of York eſquire.

This Sir *John Lowther* of Lowther died in 1637, and was ſucceeded by his ſon,

XV. Sir JOHN LOWTHER knight, who in the year 1640 was created a baronet of Nova Scotia. He was a great ſufferer for the royal cauſe in the reign of king Charles the firſt; and during the uſurpation lived retired, but was one of the knights for Weſtmorland in that parliament which reſtored king Charles the ſecond.

He married to his firſt wife, Mary daughter of Sir Richard Fletcher of Hutton, and by her had iſſue 5 ſons and 6 daughters. The ſons were, 1. *John*, 2. *Richard*, who died young. 3. *Richard*, grandfather of the preſent Sir James Lowther baronet. 4. *Chriſtopher*, a Turkey merchant in London. 5. *Hugh*, a merchant in London.—The daughters were, 1. *Mary*, who died young. 2. *Eleanor*, married to Sir Chriſtopher Wandesford of Kirklinton in the county of York baronet. 3. *Barbara*, married to John Beilby of Grange in the county of York eſquire. 4. *Anne*. 5. *Mary*, married to Edward Trotter of Skelton caſtle in the county of York eſquire. 6. *Frances* married to Sir Thomas Pennyman of Ormeſby in the ſaid county baronet.

To his ſecond wife he married Elizabeth daughter of Sir John Hare of Stowe Bardolfe in the county of Norfolk knight, and widow of Woolley Leigh eſquire; and by her had iſſue ſeven children, *viz.* *Ralph*, who was father of John Lowther member for Pontefract in 1722; *William*, counſellor at law; *Robert*, the third ſon; and four daughters, *Mary*, *Anne*, *Elizabeth*, and *Margaret*, which laſt was married to Sir John Aubrey of Llantrithed in the county of Glamorgan baronet.

XVI.

XVI. JOHN LOWTHER of Hackthorp eſquire, eldeſt ſon of the laſt Sir *John*, married to his firſt wife Elizabeth daughter and coheir of Sir Henry Bellingham of Levins baronet; and by her had iſſue, 1. *John*, aged 9 at Dugdale's viſitation aforeſaid in 1664. 2. *Mary*, married firſt to George Preſton of Holker gentleman; afterwards to John Lowther eſquire one of the commiſſioners of the revenue in Ireland.

To his ſecond wife he married Mary, daughter of William Withens of Eltham in the county of Kent eſquire; and by her had iſſue *William Lowther* eſquire, who was member for the city of Carliſle in the parliament holden in the 2d year of William and Mary, and died ſoon after unmarried.

This *John Lowther* of Hackthorp died in his father's life-time; and his elder ſon *John* afterwards ſucceeded to the family eſtate.

XVII. Sir JOHN LOWTHER of Lowther baronet, grandſon and heir of the laſt Sir *John*, was born at Hackthorp hall, and educated at Appleby ſchool (to which he was a conſiderable benefactor) and afterwards at Queen's college in Oxford.

He married Catharine daughter of Sir Henry Frederic Thynne, ſiſter of Thomas viſcount Weymouth.

He was choſen one of the knights for Weſtmorland in the parliament that met at Weſtminſter on the 8th of March 1678, which being diſſolved in July, and a new one called to meet on the 17th day of October following, he was again elected for the ſaid county. Which parliament, after ſeveral prorogations, did not ſit to do buſineſs till the 21ſt of October 1680, when falling on the popiſh plot, and bringing in a bill for diſabling James duke of York from inheriting the crown, it was diſſolved on the 18th of January the ſame year. The diſſolution of theſe two laſt parliaments put the nation into ſome ferment, and obliged his majeſty to call another to meet at Oxford the 21ſt of March in the ſame year: but this change of place very much diſpleaſed the major part of both houſes, who apprehended ſome arbitrary deſigns in it; and Sir John Lowther, with moſt of the old members, being choſen, proceeded with the ſame zeal upon the bill of excluſion: whereupon they were diſſolved ſeven days after their meeting. This was the laſt parliament called by king Charles. And in that called by king James, Sir John Lowther was again elected; as he was alſo in the convention parliament that ſettled the crown on the prince and princeſs of Orange, and in all other parliaments whilſt he was a commoner. He had the courage to concert with his friends, the revolution brought about by king William; and on his landing in the weſt, ſecured the city of Carliſle, and procured the counties of Weſtmorland and Cumberland to appear in his intereſt.

For all which ſervices, on king William's acceſſion, he was conſtituted vice-chamberlain of his majeſty's houſhold, and ſworn of his privy council, five days after their majeſties were proclaimed. Alſo on the king's appointing the lords lieutenants of the ſeveral counties, he made him lieutenant of the county of Weſtmorland in the year 1689. In the year following, he was appointed one of the lords of the treaſury. In 1696, he was advanced to the dignity of viſcount and baron, by the ſtyle and title of baron Lowther of Lowther

and viſcount Lonſdale. In 1699 he was made lord privy ſeal, and was twice one of the lords juſtices for the government of the kingdom during his majeſty's abſence.

He died in the year 1700, of the age of 45 years; leaving iſſue three ſons and five daughters. The ſons were, 1. *Richard.* 2. *Henry.* 3. *Anthony*, one of the commiſſioners of the revenue in Ireland, choſen repreſentative for Cockermouth in 1714, and afterwards knight of the ſhire for Weſtmorland: He died in 1741, unmarried.—The daughters were, 1. *Mary*, married to Sir John Wentworth of North Elmſal in the county of York baronet. 2. *Elizabeth*, married to Sir William Ramſden of Byrom in the ſame county baronet. 3. *Jane*, who died unmarried in 1752. 4. *Margaret*, married to Sir Joſeph Pennington of Moncaſter in the county of Cumberland baronet. 5. *Barbara*, married to Thomas Howard of Corby in the ſaid county of Cumberland eſquire.

XVIII. Richard Lowther, ſecond viſcount Lonſdale, died at Lowther of the ſmall-pox, unmarried, in the year 1713, being the ſame year in which he came of age.

XIX. Henry, third viſcount Lonſdale, ſucceeded his brother *Richard.* In the year 1715 he was conſtitued *cuſtos rotulorum* and afterwards lord lieutenant of the counties of Weſtmorland and Cumberland. In 1717 he was made one of the lords of the bed chamber. On the acceſſion of king George the ſecond, he was appointed conſtable of the tower of London, and lord lieutenant of the hamlets thereof. He was afterwards lord privy ſeal. And having gone through ſeveral offices of ſtate with dignity and honour, he died in the year 1750 unmarried, univerſally eſteemed and lamented, being a nobleman of moſt eminent abilities, integrity, learning, piety, affability, benevolence, and every public and private virtue.

In him the title of viſcount Lonſdale and baron Lowther was extinct. But in that of baronet, and in the eſtate, he was ſucceeded by the preſent Sir *James Lowther* baronet, ſon of *Robert*, ſon of *Richard*, ſon of *John*, the common anceſtor of them both.

The ſaid *Richard*, ſecond ſon of John the common anceſtor, reſided at Maul's Meburn, and was choſen member for Appleby in 1688 and 1690. He married Barbara daughter of Robert Pricket of Wreſal caſtle in the county of York eſquire, and had iſſue *Robert* his ſon and heir; *Chriſtopher*, who married Anne only daughter of Sir John Cowper couſin german to the lord chancellor Cowper; *Richard*, a captain on the Iriſh eſtabliſhment; and a daughter *Eleanor*, married to Dr. Barnard a phyſician at York.

Robert Lowther of Maul's Meburn eſquire, eldeſt ſon of Richard, was ſometime ſtorekeeper of the tower, and in 1716 was appointed captain general and governor in chief of the iſland of Barbadoes. He married Catharine only daughter of Sir Joſeph Pennington baronet by Margaret his wife fourth daughter of John viſcount Lonſdale. He died in September 1745; leaving iſſue, (1) *James.* (2) *Robert*, knight of the ſhire for Weſtmorland in 1763. (3) *Margaret*, married to Henry lord Barnard, now earl of Darlington. (4) *Catharine*,

(4) *Catharine*, married to lord Harry Paulet, now duke of Bolton. (5) *Barbara*, unmarried.

XX. Sir JAMES LOWTHER of Lowther baronet, ſon and heir of Robert Lowther of Maul's Meburn eſquire, by the death of his father, and of Henry viſcount Lonſdale, and of Sir William Lowther baronet, became poſſeſſed of the three great inheritances of Maul's Meburn, Lowther, and Whitehaven.

He was choſen knight of the ſhire for Weſtmorland in 1761; was elected for the ſame county, and alſo for Cumberland, in 1774; is lieutenant and cuſtos rotulorum, and colonel of the militia, of both the ſaid counties.

In 1761, he married the lady Mary Stewart, daughter of John earl of Bute, by Mary Wortley Montague only daughter of Edward Wortley Montague, ambaſſador to Conſtantinople; and as yet hath no iſſue *.

The *Arms* of Lowther, as certified by Sir John Lowther at Dugdale's viſitation aforeſaid, are: 1. Or, ſix annulets, 3, 2, and 1 Sable: by the name of Lowther. 2. Ermin, a canton Azure, charged with a croſs upon three ſtares Argent; by the name of Quaile. 3. Argent, a lion rampant Sable; by the name of Stapilton. 4. Gules, three fiſhes Or; by the name of Lucy. 5. Sable, three eſcalops within a bordure ingrailed Argent; by the name of Strickland. 6. Sable, three covered cups Argent; by the name of Warcop. 7. Sable, three martlets volant Argent. - - - - - 8. Or, two bars Gules, and on a canton Gules a mullet of the firſt; by the name of Lancaſter.

The *Creſt*: On a wreath, a griffin paſſant Argent.

II.

MANOR AND ADVOWSON.

The MANOR and ADVOWSON ſeem never to have been intirely ſeparated, and therefore our account of them jointly will be moſt intelligible, as they will mutually tend to illuſtrate each other.

So early as the reign of king Henry the ſecond, the manor ſeems to have been divided into three parts; and conſequently the appendent advowſon. For *Humphrey Machel*, in that king's reign, granted to the priory of Carliſle a third part of the church of Lowther; which grant the ſaid king confirmed: Upon which account the rector of Lowther paid yearly to the ſaid priory 26*s* 8*d*, which penſion is now paid to the dean and chapter. In the year 1649, it was given in upon oath to Cromwell's commiſſioners, that the dean and chapter of Carliſle had right to a third part of the poſſeſſions of the church of Lowther, and likewiſe of preſenting to it every third turn. Hereupon a controverſy aroſe (as had done before in 1609 with Sir Chriſtopher Lowther) between that collegiate body and Sir John Lowther. But on inquiſition and

* The latter part of this pedigree is chiefly taken from the Baronetage, vol. 1. p. 453. Edit. 1771.

examination

examination of witneſſes it appeared, that whatever right of preſentation the dean and chapter might have had originally, they never had ſo much as once preſented to the rectory. A caveat had been entred of the like nature by queen Elizabeth in 1579, claiming right to a third preſentation inveſted in the late diſſolved monaſtery of Watton, but it had no effect *.

In the 6 Ed. 1. one of the three parts ſeems to have been divided into two by means of two coheirs, one married to *Robert de Morvil*, and the other to *Gilbert de Whiteby:* the two remaining parts belonging to the priory of *Watton*, and *William de Stirkland*. For in that year, in an aſſize, an agreement was made between the prior of *Watton*, *Robert de Morvil* and *Alice* his wife, *Gilbert de Whiteby* and *Henry* ſon and heir of *Chriſtian* wife of the ſaid *Gilbert*, and *William de Stirkland*, concerning the advowſon of the church of Lowthre.

Accordingly, in the 3 Ed. 2. we find the manor in four hands; for in that year, the heir of *John de Coupland*, *Henry de Haverington*, *Simon de Alve*, and the prior of *Watton* held Lowther under the Cliffords.

In the 8 Ed. 2. the family of *Lowther* appear to have one fourth part, probably by purchaſe from the ſaid *Simon de Alve*; for by an inquiſition in that year, after the death of Robert lord Clifford, it appears, that *Adam de Coupland*, *Henry de Haverington*, *Hugh de Lowthre*, and the prior of *Watton* then held *Lowthre*; of each of whom (except the prior) the wardſhip was worth 40*s*, and the cornage of the whole 20*s* 4*d*.

Not long after we find the advowſon in two hands, and ſo the ſame ſeems to have continued till after the diſſolution of the monaſteries. In the 14 Ed. 2. the biſhop in his ordinary viſitation finding *William de Capella*, rector of Lowther, ſo aged and extravagant, that he was unfit for the diſcharge of his cure and management of his eccleſiaſtical revenues, aſſigned *William de Kendale* clerk to be his guardian and aſſiſtant. And two years after, upon the death of the ſaid *William de Capella*, an agreement was made between *Walter de Styrkland* and the prior of *Watton*, by which the preſent vacancy was given to the ſaid prior, and thereafter to the ſaid *Walter* and his heirs alternately with the prior and his ſucceſſors.

In the 7 Ed. 3. there was an exchange of lands between Sir *Walter de Stirkland* and Sir *Hugh de Louther*; whereby Sir *Walter* conveyed alſo to Sir *Hugh* his moiety of the advowſon of the church of Lowther. But that ſeems to have been only for the next avoidance; for the *Stricklands* continued in poſſeſſion of that moiety long after.

In the 36 Ed. 3. on the death of Sir *Thomas de Hurworth* rector of Louthre, Sir *Thomas de Stirkland* knight preſented Mr. *Walter de Wells* prieſt, who was inſtituted thereupon.

In the 40 Ed. 3. Sir *Thomas de Stirkland* conveyed his lands of Levenes, Helſyngton, and other places, with the advowſon of the church of Lowther, to truſtees (by way of ſettlement).

In the 3 Ric. 2. Sir *John Bone* was rector of Lowther; having in that year from the biſhop a diſpenſation of abſence.

* Todd.

In

In the 10 Hen. 5. after the death of John lord Clifford, Sir *Robert Lowther* knight appears by inquiſition to have then held the whole manor of Lowther, paying cornage 20*s* 4*d*.

In the 4 Hen. 6. Sir *Robert de Louther* knight, in purſuance of a grant to him made by Sir *Thomas de Stirkland* knight, preſented *John de Raby* chaplain to the rectory of Lowther, who was thereupon inſtituted.

In a rental of the Clifford eſtate in the 31 Hen. 6. it is expreſſed, that John de Coupland, Adam de Haverington, Simon de Alve, and the prior of Watton heretofore held *Lowther-William* and *Lowther-John*, by homage and fealty and 20*s* 4*d* cornage; and that *Hugh de Lowther* now holds the ſame by the ſame ſervice.—Which diſtinction of *Lowther-William* and *Lowther-John* is alſo obſerved in a rental of Henry earl of Cumberland in the 18 Hen. 8.

In the 5 Ed. 4. the next avoidance of the rectory of Lowther was granted by the prior and convent of *Watton* to *John Wherton* eſquire and others. Whereupon the ſaid John preſented one *John Wherton* clerk, who was thereupon inſtituted, in the place (as it ſeemeth) of one *Thomas Cleveland* deceaſed; for in the ſame year the will of *Thomas Cleveland*, late rector of Lowther, was proved by the commiſſioners of the archbiſhop of York, during the vacancy of the biſhoprick.

In the next account which we have met with of the advowſon, the *Strickland* moiety appears to be in the family of *Lowther*; the ſame having been purchaſed, together with the manor of Hackthorp, by Richard Lowther eſquire. And in the 22 Eliz. a caveat being entred againſt the admiſſion of any clerk preſented on the next vacancy on the behalf of queen Elizabeth claiming right of a third preſentation lately inveſted in the diſſolved monaſtery of *Watton*; a like caveat was entred by *Chriſtopher Lowther* gentleman, ſon of *Richard*. And ſoon after, on the death of Mr. *Anthony Garnet*, inſtitution was given to *Thomas Fairfax*, S. T. B. on the preſentation of the ſaid *Richard Lowther*.

And in the 29 Eliz. on the reſignation of Mr. *Fairfax*, *Leonard Lowther*, M. A. was inſtituted on the preſentation of the ſaid *Richard Lowther*.

In the 7 Ja. 1. on the death of Mr. *Leonard Hudſon* alias *Lowther*, the dean and chapter of Carliſle claimed (by caveat) the patronage; but inſtitution was given to *Chriſtopher Lowther*, B. A. on the preſentation of Sir *Chriſtopher Lowther* knight.

In the 14 Cha. 1. it was found by inquiſition, that two parts of the manor of Lowther were holden of Francis earl of Cumberland by the ſervice called *Noltgeld*, paying yearly to the ſaid earl 20*s* 4*d*; and by the ſervice called *Serjeant-food*, paying 10*s* yearly: And that the third part was holden of Robert Strickland eſquire, paying yearly one hawk or 6*d* *.

In the 16 Cha. 1. *John Teaſdale* was rector of Lowther; he being in that year a contributor to the building of the ſchool there.

In 1676, on the death of *William Smith* rector of Lowther, *Richard Threlkeld*, B. A. was inſtituted on the preſentation of Sir *John Lowther* baronet.

In 1694, *Richard Holme*, M. A. was preſented by the ſame patron.

* Rawlinſon.

In 1738, on the death of Richard Holme, *Hugh Robinſon*, M. A. was preſented by *Henry* viſcount *Lonſdale*.

In 1763, on the death of Hugh Robinſon, *Henry Lowther*, M. A. was inſtituted on a preſentation by Sir *James Lowther* baronet.

In 1769, on the reſignation of Henry Lowther, *William Lowther*, B. A. was inſtituted on a preſentation by the ſame patron.

The village of Lowther heretofore was conſiderable, conſiſting of the hall, the church, the parſonage houſe, and 17 tenements, meſſuages, and cottages, all which meſſuages and tenements were purchaſed by Sir John Lowther in the year 1682, and pulled down and demoliſhed to inlarge his demeſne, and open the proſpect to his houſe, for they ſtood juſt in the front of it *. After he had removed the village, he likewiſe (with conſent of the biſhop and incumbent) pulled down the parſonage houſe, which was a very mean one, and built a better, with out-houſes ſuitable, in a more convenient place; and exchanged the lands and other revenues belonging to the church, greatly to the advantage of the incumbent. He alſo, in 1685, pulled down and rebuilt a great part of the hall, and much improved that which was left ſtanding. Laſtly, in the year 1686, he pulled down all or moſt of the church, and rebuilt it in a much better form, with a cupola in the middle, and furniſhed the ſame very elegantly, and inriched it with noble communion plate. The hall was unfortunately burned down about the year 1720, little remaining thereof except the bare walls, and two large wings that eſcaped the flames. The preſent owner Sir James Lowther baronet is preparing to rebuild the hall in a ſtill more magnificent and commodious manner.

The reverend Thomas Robinſon, rector of Ouſby, in his Eſſay towards a natural hiſtory of Weſtmorland and Cumberland, printed in the year 1709, ſpeaking of Lowther hall, ſays, " It is not only by the elevation of the ground " freed from thoſe fogs and wateriſh froſts, which in the ſpring mornings draw " down to the rivers, and ſo corrupt the air as to harbour flies and other " noiſome inſects, or elſe by the intenſity of the cold kill the fruit in the " bloſſom; but is alſo ſo much below and at ſuch a diſtance from the mountains, that all thoſe fierce and rapid blaſts of wind, occaſioned by the declivities of the mountains, are either ſpent or ſtrike a level before they reach " it. Yet this ſituation hath ſo much advantage from the mountain winds, " as that they bruſh and fan the air, and preſerve it from ſtagnation and corruption. It is not only fenced from violent winds by all kinds of foreſt " trees of nature's own production, but adorned and beautified by ſuch foreign trees and winter greens as are raiſed by human art. It hath by nature " ſuch a gradual aſcent to the houſe, as makes the avenue to it moſt noble " and magnificent. Its ſituation is upon a limeſtone rock, which doth not " only ſecure the foundation, but ſo fertilizes the earth and ſoil, as to make " it proper for gardens, orchards, terras-walks, and other moſt delightful " conveniences. The demeſne and parks, which ſurround the houſe, are of

* Machel.

" the

" the ſame fertile ſoil, producing rich and plentiful crops of graſs and corn. " The elevation of its ſituation gives it a moſt curious landſkip of woods, " waters, mountains, rocks, towns, churches, and caſtles, which entertain the " eye with a delightful proſpect. Thoſe thick and pleaſant copſes of wood " and trees by the ſides of the river Lowther, near two miles in length, do ſo " multiply, refract and reflect the ſun beams, that it enjoys as warm, and a " more fragrant air, than the lower dales and vallies."

There is a ſmall SCHOOL at Lowther which was endowed by Sir John Lowther and his uncle Richard, whoſe donations are regiſtred at large in the pariſh regiſter book in the year 1638. And a ſchool-houſe was built by them and the aforeſaid John Teaſdale the rector in 1640.

There was another ſchool of a more ample foundation ſet on foot by John viſcount Lonſdale, for the benefit of all the northern counties. But being only in its probationary ſtate, it was thought fit by the late lord Lonſdale to be diſcontinued.

III.

MANOR OF WHALE.

WHALE is a ſmall village in the pariſh of Lowther, about a mile ſouth from the church, conſiſting of about 8 or 10 families, with two or three ſtraggling houſes on Whale moor.

It was anciently held by a family of the name *de Whale*. In the 7 Ed. 1. *John de Whale* was a juror on the inquiſition *poſt mortem* of Peter de Brus.

In the 8 Ed. 2. it was found by inquiſition, that *Richard le Fraunces* held of Robert de Clifford, on the day on which he died, Meburn Maud and Quale; the wardſhip for both being 40*s* yearly, and the cornage 33*s*.

And in the 10 Hen. 5. after the death of John de Clifford, *Richard Vernon* held Meburn and Whale, by the like cornage of 33*s*.

Finally; this, like as many others, was drawn within the vortex of the houſe of Lowther, from age to age purchaſing, and never ſelling again.

IV.

MANOR OF HACKTHORP.

About a mile and an half ſouth-eaſt from the church, is the village of HACKTHORP, containing 13 or 14 tenements. The hall is at the ſouth end. Over the court door are the Lowther arms, unto which family it now belongs.

It was never held of the Cliffords; but was anciently part of the patrimony of the barons of Kendal.

In the reign of king Henry the third, Ralph de Aincourt releaſed to William de Lancaſtre and his heirs his right in 50*s* of land, in which he was bound unto him by the charter of William de Lancaſtre his grandfather, for the quit-

claim which the ſaid William made to the ſaid Ralph of the ſervice of Gamel de Hakethorpe. The ſaid William releaſed to Ralph de Aincourt and his heirs the ſervice of the ſaid Gamel in Drengage and other ſervices *.

In the 35 Ed. 3. Sir Thomas de Stirkland (who held under the barons of Kendal) had a licence from the crown to impark his woods at Hackthorp and other places, for his good ſervices in the parts of France.

It was purchaſed of the Stricklands by the Lowther family as aforeſaid: And in the 14 Cha. 1. it was found by inquiſition, that the Manor of Hackthorp and advowſon of the church of Lowther were holden of the king as of his manor of Kirkby in Kendale, called the Marquis Fee, by knights ſervice; and were worth by the year five marks †.

V.

MANOR OF MELKANTHORP.

About two miles eaſtward from the church is the village of *Melkanthorp*, which anciently ſeems to have belonged to a family of that name.

In the 8 Ed. 1. *Galfridus de Melcanthorp* was conſtable of Roger lord Clifford of his caſtle of Appleby.

In the 3 Ed. 2. by an inquiſition of tenants in Weſtmorland who held by cornage, it was found, that *Margaret de Ros* then held Melkanthorp, paying 5*s* cornage. Whether ſhe was a daughter of the Melkanthorps, or ſhe was the Margaret de Roſs who then held Kendal caſtle, hath not appeared to us. The latter is more probable; for Melkanthorp was not holden of the Cliffords lords of Weſtmorland, but was parcel of the manor of Kendal called Marquis Fee.

Melkanthorp afterwards came to the Muſgraves; then to the Fallowfields; and by marriage of the heireſs of Fallowfield to the Dalſtons of Acorn Bank; who ſold the ſame to Sir John Lowther.

The arms in Melkanthorp hall (which is the manor houſe of Great Strickland) are, *Muſgrave*, quartering *Ward* and *Stapleton*. 2. *Fallowfield*. 3. *Dalſton*, impaling *Fallowfield* ‡.

* Machel from Dugdale. † Rawlinſon. ‡ Machel.

PARISH

PARISH OF MORLAND.

I. *Pariſh of Morland.*
II. *Manor of Morland.*
III. *Great and Little Strickland.*
IV. *Thrimby.*
V. *Newby.*
VI. *Slegill.*
VII. *King's Meaburn.*
VIII. *Bolton.*
IX. *Buley.*

I. PARISH OF MORLAND.

The pariſh of Morland *(Moor-land)* is bounded on the Eaſt by the pariſhes of Kirkby Thore and St. Michael's Appleby, being ſeparated from them by the River Eden; on the South-eaſt by the pariſh of St. Laurence Appleby; on the South, by the pariſh of Croſby Ravenſworth; on the South-weſt, by the pariſh of Shap; on the Weſt and North-weſt, by the pariſhes of Bampton and Lowther; and on the North, by the pariſh of Cliburn: And contains about 271 families; all of the church of England, 7 only excepted.

The church of Morland (according to Dr. Todd) is dedicated to St. Laurence.

It is a vicarage, in the patronage of the dean and chapter of Carliſle, valued in the king's books in the 26 Hen. 8. at 11*l* 18*s* 1½*d*. The clear yearly value, as certified to the governors of queen Anne's bounty, 45*l*.

Ketel ſon of Eldred ſon of Ivo de Talebois baron of Kendal, gave this church and two carucates of land at Morland, to the abbot and convent of St. Mary's York *; which grant was confirmed firſt by Athelwold, and afterwards by Hugh, biſhops of Carliſle: Which ſaid Hugh granted and confirmed the ſame to the ſaid abbey, for the proper uſe and ſuſtenance of the monks of the houſe of *Wetheral*, a cell of the ſaid abbey: The abbot and con-

* Chetellus filius Eltredi omnibus audientibus vel videntibus literas has, tam futuris quam præſentibus, ſalutem. Notum ſit vobis, me dediſſe et conceſſiſſe, conſilio amicorum meorum, deo et eccleſiæ ſanctæ Mariæ Eborum et monachis ibidem deo ſervientibus eccleſiam de Morland, cum omnibus ſuis pertinentiis, et eccleſiam de Wirchington, et duas carucatas terræ in eadem villa, et unum molendinum et omnia quæ ad eum pertinent, in liberam, puram, et perpetuam eleemoſynam, pro anima mea, et hæredum meorum, et pro animabus omnium parentum meorum, et omnium fidelium defunctorum. Quapropter concedo et præſentis chartæ teſtimonio confirmo, ut ſit præfata eleemoſyna quieta et illibata, et ab omni terreno ſervicio abſoluta, uſibus prædictorum monachorum in perpetuum. Teſtibus Chriſtiana uxore mea, Willielmo filio meo, et multis aliis. *(Regiſtr. Wetheral.)*

vent to appoint a vicar, and to allow him yearly 100*s.*—Other lands at Morland were given to the ſaid abbot and convent of St. Mary's York and to the prior and monks of *Wederhale*, by Henry Legate and Peter his brother †.

The cell of Wetheral ſeems about that time to have been overſtocked. For in the time of biſhop Bernard (who was intermediate between the ſaid biſhops Athelwold and Hugh) we find three incumbents at Morland all at one time; for, to the confirmation by the ſaid biſhop Bernard of the grants by Thomas ſon of Goſpatric to Shap abbey (about the year 1170), amongſt other witneſſes, there are *Gilbert*, *Walter*, and *Thomas*, rectors of the church of Morland.

And about the year 1230, *Richard de Agneta* was vicar of Morland, and at the ſame time there was one *Thomas* parſon of Morland.

In 1234, *Michael*, vicar of Morland, was witneſs to a compoſition about Morland wood *.

In the year 1313, king Edward the ſecond preſented Sir *John de Warwyke*, deacon, to the vicarage of Morland; the abbacy of St. Mary's York being then vacant.

In 1316, on the death of the ſaid Sir John, the abbot and convent preſent Mr. *Henry de Rillington*; who is inſtituted, with a reſervation of 4 marks yearly penſion to the ſaid patrons.

In 1332, one Sir *Henry*, vicar of Morland, being accuſed and cited for keeping (contrary to the conſtitutions of Otho and Othobon) a concubine named Emma Hall [Emma de Aula], had his abſolution and diſmiſſion.

In 1334, Sir *Henry de Appleby* vicar of Morland, and Sir *Richard de Haverington* vicar of the prebendal and collegiate church of Derlington in the dioceſe of Durham, with the conſent of their reſpective patrons and ordinaries, exchange their livings; whereupon Sir Richard de Haverington is inſtituted to Morland.

In 1362, on the death of Sir Richard de Haverington, the abbot and convent preſent Sir *John Murrays*, prieſt, who is inſtituted.

In the next year after, he exchanges with Sir *William de Layſingby*, for the rectory of Welbery in the dioceſe of York.

In 1368, Sir William de Layſingby makes a new exchange with Sir *John Bray* vicar of Helmeſley in the dioceſe of York; to which the abbot and convent, patrons of Morland, give their conſent. This ſame Sir John, by the name of *John del Bray* (John of the brae), appears to have been vicar in 1383.

In the year 1424, there was a diſpute between Sir *John Richemont* vicar of Morland and the prior of Wetheral, concerning the oblations in St. Mary's chapel of *Wythe* within the pariſh of Morland, and half an acre of land lying upon *Litel Ayneſbergh*, and abutting on the common of *Banc*, within the territory of the vill aforeſaid; which was referred to the arbitration of the abbot of St. Mary's York. Who awarded the ſame to the prior; unleſs it ſhould appear, from the records of the abbey, that by real compoſition at any time, the oblations in the ſaid chapel had been given to the vicar ‡. [The place

† Regiſtr. Wetheral. * Idem. ‡ Idem.

where this chapel ſtood ſeems to have been nigh the river Lyvennet at about the middle way between Morland and King's Meaburn, in a place now called Chapel Garth, belonging to the vicarage.]

In 1513, Sir *Alexander Hall*, vicar of Morland, was (amongſt others) an arbitrator, in a caſe of aſſault and battery, between Hugh Machel of Crackenthorp gentleman, and Sir Henry Smith chantry prieſt at Appleby *.

In the year 1563, on the death of *John Blythe* vicar of Morland, *George Nevil*, D. D. was inſtituted; being preſented by Marmaduke Peers, to whom this avoidance had been granted by the abbot and convent of St. Mary's York, before the diſſolution.

In 1567, on the death of Dr. Nevil, *Thomas Warwick* clerk had inſtitution, by virtue of a grant from the dean and chapter of Carliſle.

In 1624, *William Hall* was inſtituted, on a preſentation by the dean and chapter.

In 1660, *Piercy Burton* was inſtituted.

In 1668, on the death of Piercy Burton, *John Hutchinſon*, M. A. was inſtituted.

In 1679, *Michael Hudſon*.

In 1680, *William Atkinſon* had inſtitution.

In 1720, on the death of William Atkinſon, *James Rickerby*, M. A. was preſented by the dean and chapter, and inſtituted thereupon.

In 1743, after the death of James Rickerby, on a diſpute between dean Bolton and the chapter concerning the dean's negative voice, this vicarage was ſuffered to lapſe, and *John Brown*, M. A. was collated. The ſaid John Brown was author of the Eſſay on the Characteriſticks, and other ingenious writings.

In 1757, on the ceſſion of John Brown, *Daniel Brocklebank* was inſtituted, on a preſentation by the dean and chapter.

In 1773, on the death of Daniel Brocklebank, *John Jackſon* clerk was inſtituted on the like preſentation.

The *church* at Morland is a fair large building, with two rows of pillars, three in each row; with a tower ſteeple, and three good bells.

The ſouth ile of the ſaid church, heretofore belonging to Thrimby Grange, was given up by the laſt viſcount Lonſdale, as uſeleſs to him; and is now made uſe of by the pariſhioners in common. There is another ſmall ile, on the north ſide of the chancel, belonging to Great Strickland hall; which hall and manor having ſome time belonged to the Dalſtons of Acorn Bank, the ile from thence ſtill retains the name of Dalſton's porch.

* Chart. Machel.

II. MANOR

II. MANOR OF MORLAND.

The manor of Morland was never held of the Veteriponts or Cliffords; but belonged to the barons of Kendal. *Ketel* ſon of *Eldred* ſon of *Ivo* aforeſaid was both lord of the manor and patron of the advowſon.

William de Lancaſtre, the firſt of that name, grandſon of the ſaid *Ketel*, granted the manors of Heverſham, Grayrigg, and Morland, in frank marriage with his daughter *Agnes*, to *Alexander de Windeſore* ſon and heir of *William de Windeſore*. In the time of which *Alexander*, a partition was made of the wood at Morland, between him and the prior of Wetheral *.

The ſaid *Alexander Windeſore* had a ſon *William de Windeſore*; who had a ſon *Alexander de Windeſore*, who in the 11 Ed. 2. levied a fine of the manors of Grayrigg and Morland. This laſt *Alexander* had a ſon *William*, who in the 25 Ed. 3. is found by inquiſition to have held the manor of Morland of William de Coucy, by cornage, wardſhip, and relief. In the 36 Ed. 3. he had a grant of a market and fair at Morland (which, if ever ſet on foot, have been long ſince loſt by diſuſe). In the 49 Ed. 3. by the inquiſition after the death of Joan de Coupland, it appears that he then held the manors of Ha-

* Omnibus Chriſti fidelibus ad quorum notitiam præſentes literæ pervenerint, W. Prior de Wederhale et Alexander de Wyndeſore ſalutem æternam in domino. Noverit univerſitas veſtra, quod de communi et unanimi aſſenſu mei et domini Alexandri de Wyndeſhover, boſcus de Morland, qui ad nos utroſque pertinebat in communi, partitus eſt in hunc modum: viz. Quod totus boſcus propior villæ de Morland, qui vocatur Linſtouc, remanebit domino Alexandro et hæredibus ſuis in perpetuum, uſque ad quendam ſiketum qui dividit Mechilrig et Linſtouc, ſicut curſus illius ſiketi ſe extendit in longum inter boſcum de Mechilrig et Linſtouc. Totus autem boſcus qui dicitur Mechilrig, et totus boſcus a Mechilrig verſus orientem. remanebit priori et ſucceſſoribus ſuis in perpetuum uſque ad aquam de Lyvennet. Ita quod licebit dicto Priori et ſucceſſoribus ſuis includere partem ſuam pro voluntate ſua, et redigere ad culturam ſicut melius ſibi viderint expedire ſine impedimento aliquo prædicti Alexandri et hæredum ſuorum. Similiter autem licebit predicto Alexandro et hæredibus ſuis includere partem ſuam pro voluntate ſua, et redigere ad culturam ſicut melius ſibi viderint expedire, ſine impedimento dicti Prioris vel ſucceſſorum ſuorum. Ita tamen quod dictus Alexander et hæredes ſui habebunt communam herbagii, ad propria animalia tantum, in boſco prioris et ſucceſſorum, quantum remanebit incultum, ſine nocumento dicti Prioris et ſucceſſorum ſuorum. Et dictus prior et ſucceſſores ſui habebunt communam herbagii tantum in boſco Alexandri et hæredum ſuorum, quantum remanebit incultum, ſine nocumento dicti Alexandri et hæredum ſuorum. Dictus autem prior et ſucceſſores ſui reſpondebunt libere tenentibus ſuis de parte ſua boſci. Et dictus Alexander et hæredes ſui reſpondebunt libere tenentibus ſuis depar te ſua boſci. Sciendum eſt autem, quod quædam pars boſci de Morland in prædicta partitione non continetur, viz. Boſcus a via de Appeltreholme, ſicut eſt in pendenti condorſi, uſque ad Amſelbergile. Et iſte boſcus in perpetuum erit communis dicto priori et ſucceſſoribus ſuis, et dicto Alexandro et hæredibus ſuis, ad eſtoveria ſua capienda ibidem. Nec aliquis ſine altero aliquid inde dare poterit vel vendere. Et uterque perſona tactis ſacroſanctis juraverunt, quod nunquam venient per ſe vel per alias perſonas contra tenorem iſtius ſcripti. Et ut iſta partitio ex utraque parte rata et ſtabilis ſit in perpetuum, Prior pro ſe et ſucceſſoribus ſuis, et dominus Alexander pro ſe et hæredibus ſuis ſigilla ſua hinc inde huic ſcripto appoſuerunt. Hiis teſtibus, Domino J. de Veteriponte, Domino R. Priore et W° Official' Karl: Thoma Filio Wilhelmi, Thoma Filio Johannis, Will° de Daker, Waltero de Stirkeland, Johanne Mauchael, Roberto de Aſkeby, Thoma de Louther, Alano Pincerna, Roberto de Neuby, Michaele et Waltero vicariis de Morland et de Appelby, Waltero de Meburn, Adamo de Soureby, Johanne de Neubigging, et aliis. *(Regiſtr. Wetheral.)*

verſham,

verſham, Grayrigg, and Morland, by homage and fealty and the ſervice of 13*s* 4*d* yearly, as of the manor of Kirkby in Kendale.

This ſaid laſt *William de Windeſore* had a daughter and heir *Margery*, who was married to *John Ducket* eſquire, which firſt brought the family of *Ducket* into Weſtmorland, who ſettled at Grayrigg, and continued there for 12 generations. The manor of Morland doth not appear to have come to the *Duckets*. And whether indeed the *Windſors* had the whole manor of Morland is uncertain. Probably they had not. It ſeemeth that *Ketel* aforeſaid, together with the church and lands there, gave part of the manor to the aforeſaid abbey. For the monks of Wetherall, and ſince the diſſolution the dean and chapter of Carliſle, have enjoyed the greateſt part of the ſaid manor; and the aſſignees perhaps of the *Windſors* the other part. Accordingly, there ſeem to have been two manor houſes, one called *Low Hall*, which belonged formerly to the *Muſgraves*, who are ſaid to have had one third part of the lordſhip, and the dean and chapter the other two thirds *; the other called *Broadfold*, holden of the dean and chapter by the family of *Backhouſe*, which continued at Morland for ſeveral generations.

By a rental of the poſſeſſions of the cell of Wedyrhall, when Richard Eſyngwalde was prior there in the 6 Hen. 7. 1490, there appear to have been 21 tenants to the ſaid priory at Morland, paying in the whole the yearly rent of 11*l* 10*s* 10$\frac{3}{4}$*d*; beſides 90 acres of demeſne.

In the 9 Eliz. there is a licence to *Robert Bowes* and *Eleanor* his wife, to alienate Morland to *Simon Muſgrave*.

And in the 13 Eliz. *John Southaic* gentleman appears to have been ſeiſed of a moiety (as it is there called) of the manor of Morland, with 100 acres of wood, which he purchaſed of *Simon Muſgrave* and *Julian* his wife.

And by inquiſition in the 34 Eliz. it appears, that *Lancelot Backhouſe* gentleman (ſon of *Henry*, ſon of *Robert*) died ſeiſed of a moiety of the manor of Morland, and alſo of the wood and underwood commonly called Morland wood, containing by eſtimation 50 acres; which he held by feoffment from *John Southaic* eſquire: And alſo one paſture called Woodhouſe Cloſe; one parcel of meadow adjoining to the ſaid cloſe; one acre of arable and meadow called Stanelands: Of all which he died ſeiſed in the manor of Morland. And alſo of one third part of the manor of Brampton; and of one third of one meſſuage and one cottage in Dufton; both of which, at Brampton and Dufton, he had by deed indented of Briget Backhouſe widow his grandmother, dated Feb. 2. in the 3 and 4 Ph. and Mary, made to Edward Birkbeck of Hornby gentleman, and John Backhouſe clerk, to the uſe of the ſaid Briget for life, remainder to Henry Backhouſe and his heirs male, remainder to Gilbert and his heirs male, remainder to Anthony and his heirs male, remainder to the right heirs of the ſaid Briget for ever. The jurors further ſay, that the ſaid Lancelot held the ſaid moiety of the queen *in capite*, by the ſervice of the 20th part of one knight's fee; that it is worth yearly 22*s*. And that the ſaid third part of the manor of Brampton, and other the premiſſes at Dufton, he held

* Machel.

of

of our ſaid lady the queen, as of her manor of Duſton by fealty and ſuit of court, and rendring for the ſame yearly one third of a pound of pepper, one third of two pence for the third part of a pound of cumin, and one third of two ſhillings for all ſervices; and is worth yearly 3*l* 10*s*. And that *Robert Backhouſe* was his brother and heir, then aged 21 years.

This family of *Backhouſe*, like many others, ended in a daughter; married to Iſaac Eels eſquire. Their arms were; Or, a croſs bend, erminois. Creſt: an eagle diſplayed, Vert; with a ſerpent wavy, Proper, inflexing its head and tail towards the eagle.

III. GREAT AND LITTLE STRICKLAND.

STRICKLAND *(Stirkland)* gave name to the family of *Strickland*, which continued here for many generations, and afterwards removed to Sizergh. They held likewiſe of the barons of Kendal, and not of the barons of Weſtmorland.

About the time of the reign of king Henry the ſixth, a family of the name of FALLOWFIELD ſucceeded at Strickland, whether by purchaſe from the Stricklands, or how otherwiſe, we have not found.

The firſt of the name of *Fallowfield*, that hath occurred in Weſtmorland, was *Nicholas de Fallowfield*, who in the 10 Hen. 5. was one of the jurors on the inquiſition *poſt mortem* of John de Clifford.

In the 34 Hen. 6. *Thomas Fallowfield* eſquire was a juror on the inquiſition *poſt mortem* of Thomas de Clifford.

And to bring the name home to Great Strickland, in the firſt year of queen Mary, we find a bond of indemnity to one of the Wyberghs of Clifton, executed by *Thomas Fallowfield* of Great Strickland eſquire, and *Edward Fallowfield* gentleman his ſon and heir. In which year alſo *Thomas Fallowfield* repreſented the county of Weſtmorland in parliament.

In the reign of king James the firſt; *Richard Fallowfield* of Strickland hall, eſquire, married Hellen daughter of Sir Chriſtopher Lowther of Lowther knight: Who had a daughter and heir *Lucy Fallowfield*, married to *John Dalſton* of Acorn Bank eſquire; who brought with her a large acceſſion of fortune to that family. The ſaid *John Dalſton* had a ſon *Chriſtopher*, who ſold the eſtate to Sir *John Lowther*, in whoſe poſterity it ſtill continues.

The arms of Fallowfield were; Sable, three eſcalops Or *.

At Little Strickland, there was a family of CRACKENTHORPS for ſeveral generations. They deſcended, by a younger branch, from the Crackenthorps of Newbiggin. The common anceſtor was *Chriſtopher Crackenthorp* of Newbiggin eſquire, who in the time of king Henry the eighth married a Blenkinſop of Helbeck; and by her had iſſue *Henry*, who ſucceeded to the inheritance at Newbiggin; and a younger ſon *John*, who ſettled at Little Strickland.

* Machel.

This

This *John Crackenthorp*, by his wife Mabel Cowper, had iſſue *Chriſtopher* his eldeſt ſon; and a ſecond ſon *Richard Crackenthorp*, D. D. the famous logician, who was chaplain in ordinary to king James the firſt, a profound divine, a ſubtle canoniſt, and replete with all the learning of thoſe times.

Chriſtopher, ſon and heir of *John*, married Barbara Ward of Yorkſhire; and by her had iſſue *Richard*, *Thomas*, and *Frances*.

Richard, ſon and heir of *Chriſtopher*, married Elizabeth Fairer of Warcop tower; and by her had iſſue *Chriſtopher*, *Anne*, *Grace*, *Barbara*, *Elizabeth*, and *Mary*.

Chriſtopher, ſon and heir of *Richard*, married Jane daughter of Andrew Huddleſton of Hutton John eſquire; and by her had iſſue *Richard*, *Andrew*, *William*, *Jane*, and *Anne*.

Richard, ſon and heir of *Chriſtopher*, married Elizabeth daughter of John Wilſon of Spittle. He ſold the eſtate at Little Strickland to Mr. John Pattinſon of Thrimby: And had iſſue, beſides ſeveral other children, the reverend *Gilbert Crackenthorp*, now living (1775), the late worthy ſchoolmaſter of the free grammar ſchool of Kirkby in Kendale.

In the reign of king Charles the ſecond, THOMAS FLETCHER eſquire, barriſter at law, reſided and had a good eſtate at Little Strickland. He was recorder of Appleby in 1692. He was anceſtor by a daughter and coheir to Sir Fletcher Norton knight the preſent ſpeaker of the honourable houſe of commons.

In the reign of king Henry the third, Sir Walter de Stirkland knight had a licence from Hugh biſhop of Carliſle, to keep a domeſtic chaplain in his family within the pariſh of Morland.

IV. THRIMBY.

THRIMBY is a ſmall village in this pariſh, conſiſting only of about ſix families. Moſt of the lands were bought up by John viſcount Lonſdale.

It ſeems to have belonged anciently to a family who received their name from thence. In the 4th year of king John, there was an agreement between the prior of Watton and *William de Tyrneby*, concerning a carucate of land, together with paſture for 1000 ſheep at Tyrneby *.

And

* Hæc eſt finalis concordia, facta in curia domini regis apud Appelby, die Jovis proximo poſt feſtum ſancti Michaelis, anno regni regis Johannis quarto, coram dominis J. Norwicenſi epiſcopo, Hugone Bardulf, Johanne de Geſtelinges, Magiſtro Rogero Arundell, Willielmo filio Ricardi, juſticiariis, et aliis fidelibus domini regis ibidem præſentibus: Inter Robertum priorem de Watton conquerentem, et Petrum canonicum ſuum poſitum loco ipſius inde ad lucrandum vel perdendum, et Willielmum de Tyrneby, de warrantia chartæ unius carucatæ terræ cum pertinentiis, et de paſtura mille ovium in Tyrneby. Unde placitum fuit inter eos in prædicta curia, ſc. Quod prædictus Willielmus recognovit prædictam carucatam terræ cum pertinentiis et paſturam eſſe jus et perpetuam eleemoſynam prædicti Roberti prioris, habendas et tenendas ſibi et ſucceſſoribus ſuis de prædicto

And a diſpute ariſing between the priory of Watton and the rectors of the church of Morland, concerning the tithes of their lands within the ſaid pariſh, as well of the lands which they had in their own hands, as of thoſe which were let to farm; the ſame was referred to commiſſioners appointed by authority of the pope: who awarded, that the prior and convent of Watton ſhould pay to the rectors of Morland for ever, the tithe of the corn of all their lands in the pariſh of Morland let or to be let to farm; except one carucate of land which they held in demeſne, for the tithes whereof they ſhould pay to the church of Morland for ever and the rectors there, one mark of ſilver yearly †.

In the 13 Joh. one of the witneſſes to a charter of Shap abbey is *William de Thirneby.*

In the next reign, *John* ſon of *William de Thirneby* gave to the priory of Wederhale certain lands at Thirneby, with a grange thereupon.

Afterwards, Thrimby appears to have belonged to the *Harringtons.* Thus amongſt the Eſcheats in the 25 Ed. 3. *John de Haverington* held of the king *in capite* the manor of Thirneby, as of the fee of Coucy (afterwards called the Richmond fee) ‡.

In the rental of queen Katharine's lands in the 28 Cha. 2. Sir John Lowther ſtands charged with a yearly rent of 13*s* 4*d* for lands in Thrimby, parcel of the ſaid Richmond fee.

The tithes of Thrimby, which heretofore belonged to the priory of Wetheral, belong to the dean and chapter. A leaſe of which tithes was given as a legacy to the vicars of Dacre in ſucceſſion. Which tithes being diminiſhed greatly by the purchaſed lands being laid into Lowther park, and the leaſe being ſuffered to expire, the ſaid John viſcount Lonſdale gave to the dean and chapter 200*l* for the ſame, whereby they obtained the further ſum of 200*l* from the governors of queen Anne's bounty, wherewith an eſtate was purchaſed for the uſe of the vicars of Dacre.

The *chapel* of Thrimby was quite deſerted and fallen to decay, until the ſame was reſtored by the above mentioned Thomas Fletcher eſquire; who by deed bearing date Feb. 2. 1681, granted to Richard Crackenthorp of Little Strick-

Willielmo et hæredibus ſuis in perpetuum, per ſervicium viginti ſolidorum reddendorum inde annuatim pro omni ſervicio. Præterea, prædictus Willielmus conceſſit prædicto Roberto priori et ſucceſſoribus ſuis, totam culturam quæ fuit Gilberti de Lancaſtre, et jacet proxime bercariæ prædicti Roberti prioris, verſus Auſtrum: Et quinque acras in cultura ſua de Witerick propinquiores prædictæ bercariæ verſus Occidentem jacere incultas ad communem paſturam averiorum ſuorum et totius villæ de Tyrneby in perpetuum. Præterea idem Willielmus conceſſit prædicto Roberto priori et ſucceſſoribus ſuis exitum prædictæ bercariæ qui eſt verſus Orientem ſuper terram ſuam ad latitudinem quinque perticarum, ſecundum quod longitudo totius curiæ prædictæ bercariæ extendit verſus Auſtrum. Præterea Willielmus conceſſit prædicto Roberto priori et ſucceſſoribus ſuis, paſcere bona ſua de rivulo qui currit extra et per medium curiæ grangiæ ſuæ pro voluntate et placito ſuis, in quantumcunque ipſe Willielmus vel hæredes ſui concedere poſſint. Et ſciendum eſt, quod prædictus Willielmus vel hæredes ſui non poſſint a modo aliquid colere infra metas vaſtæ prædictæ paſturæ de Tyrneby: Nec ipſe vel hæredes ſui poſſint attachiare alicujus hominis averia ad eandem paſturam, niſi ſolummodo ſua propria averia et hominum ſuorum de prædicta villa de Tyrneby. *(Regiſtr. Wetheral.)*

† Regiſtr. Wetheral. ‡ Rawlinſon.

land

land gentleman, James Webſter clerk ſon and heir apparent of James Webſter of Thrimby gentleman, and divers others in truſt, an annuity or rent charge of 10*l*, out of his meſſuage, tenement, and lands, known by the names of Bryam tenement, High Sandriggs, and Low Sandriggs, for a chapel and an Engliſh and grammar ſchool to be taught in the chapel. The curate and ſchoolmaſter to be choſen by the truſtees; the perſon to be choſen to be an unmarried man, and to continue ſo during the time he officiates, unleſs a diſpenſation thereof be obtained from the major part of the truſtees under their hands and ſeals. When four truſtees only ſhall be left, they ſhall convey to eight others, four to be in Thrimby, and four in Little Strickland. Children in Little Strickland and Thrimby, whoſe parents live upon day-labour, to be taught gratis.

This chapel has received twice by lot 200*l* of the augmentation by queen Anne's bounty; with which ſum of 400*l* an eſtate was purchaſed, called Stonygill, in the pariſh of Croſby Ravenſworth.

To avoid the inconvenience of teaching in the chapel, a new ſchoolhouſe hath been lately erected.

V. NEWBY.

There are many places of the name of NEWBY (which means no more than *New town*); and therefore this, by way of diſtinction, and from the nature of its ſituation, is called *Newby Stones*.

This manor alſo appears to have had no connection with the barony of Weſtmorland under the Cliffords. There were anciently many of the name *de Newby*, who ſeem to have been lords of this manor.

In the 10 Hen. 8. one *Richard Vernon* of Nether Haddon in the county of Derby held of the king *in capite* 16 meſſuages and 300 acres of land in Newby.

He was ſucceeded by his ſon *George Vernon* eſquire; of whom, *Richard Nevinſon* of Kemplees yeoman rented a meſſuage at *Newby in the Stones*, together with a wood called Newby wood, and a parcel of ground called *Forty penny farmhold*. In the 4 and 5 Ph. and M. the ſaid *Richard Nevinſon* appears to have been poſſeſſed of certain lands and tenements, rents and ſervices, in Newby Stones; which he ſettled on *Richard* his ſon and the heirs male of his body, remainder to *Stephen* his ſecond ſon and the heirs male of his body, remainder to his own right heirs: Thomas Sandford of Aſkham and Thomas Blenkinſop of Helbeck eſquires being truſtees in the ſettlement *.

The pedigree of *Nevinſon*, as certified at Dugdale's viſitation in 1664, is as followeth:

1. *Richard Nevinſon* of Kemplees, died about the fifth year of Philip and Mary (ſeiſed, as it ſeemeth, of the manor of Newby). He had iſſue, (1) *Richard*, who died without iſſue male. (2) *Stephen*, who ſucceeded by virtue of

* Machel from the evidences at Helbeck.

the intail. (3) *Marian*, married to Rowland Robinſon of Newby in the 3 and 4 Ph. and M.

2. *Stephen Nevinſon*, ſecond ſon of Richard, had a ſon *Richard*, and a daughter *Jane* married to Richard Bowerbank.

3. *Richard Nevinſon* of Newby eſquire, ſon and heir of Stephen, married one Mayplate of Cumberland, and by her had iſſue, (1) *Edward.* (2) *Stephen*, ſurnamed The Long, who died unmarried. (3) *Anne*, married to Thomas Dalſton of Ouſeby eſquire, ſecond ſon of Sir Chriſtopher Dalſton of Acorn Bank knight. (4) *Elizabeth*, married to Thomas Lough of Blencarn.—The ſaid Richard died in the 13 Cha. 1. and by inquiſition it was found, that he died ſeiſed of one capital meſſuage, 20 acres of arable land, 5 acres of meadow, and 15 acres of paſture, in Newby Stones; one moiety thereof in poſſeſſion, the other moiety in reverſion after the death of Stephen Nevinſon, holden of the king *in capite*, by the 100th part of one knight's fee: his heir being within age.

4. *Edward Nevinſon* of Newby eſquire, ſon and heir of Richard, married Suſanna daughter of Sir Chriſtopher Dalſton of Acorn Bank knight. Which Edward was of the age of 40 years at Dugdale's viſitation aforeſaid.

This family claimed to be deſcended from a family of that name of conſiderable account in the South. And a reſpite was entred by Sir William Dugdale, for further proof of the connexion between the two families, but no further proof was made.

The ſaid Edward Nevinſon, by his wife Suſanna Dalſton, had iſſue, (1) *John.* (2) *Richard*, a merchant in Kendal. (3) *Chriſtopher.* (4) *Edward*, a vintner in London. (5) *Thomas.* (6) *Anne*, married to Hugh Machel of Crackenthorp gentleman, ſon and heir apparent of Lancelot Machel of Crackenthorp eſquire. (7) *Margaret*, married to one Walton a tanner in Penrith. (8) *Elizabeth.*

5. *John Nevinſon* of Newby eſquire, ſon and heir of Edward, married Elizabeth Garth of Hedlam in the county of Durham; and by her had iſſue, (1) *William.* (2) *Elizabeth*, married to Mr. Thomas Dawes of Barton Kirk.

6. *William Nevinſon* of Newby eſquire, ſon and heir of John, married Mary ſiſter of the late general Stanwix; and had iſſue, *Stanwix*, *William*, *John*, *Thomas*, *James*, *Elizabeth*, and *Mary*.

7. *Stanwix Nevinſon* of Newby eſquire, ſon and heir of William, married firſt Elizabeth ſiſter of Francis Blake of Twiſel caſtle in the county of Northumberland eſquire; and to his ſecond wife married Julia daughter of John Gaſkarth of Penrith eſquire; and dying without iſſue, gave the eſtate to his widow.

The *arms* of Nevinſon are; Argent, a cheveron, charged with a mullet, between three eaglets diſplayed, Azure. The Creſt; a leopard paſſant, collared Or, the tail Sable.

The hoſpital of St. Leonard's York had lands at Newby, given by the aforeſaid Ketel, ſon of Eldred, ſon of Ivo de Talebois, baron of Kendal.

VI. SLE-

VI. SLEGILL.

SLEGILL, *Sleagill*, probably hath its name from *ſloe* trees (vulgarly pronounced *ſlea* trees) having grown there. This ſeems to have been eſteemed anciently part of Newby; for in the time of Edward the ſecond, we find a leaſe from John Prodhom and Joan his wife of lands at Slegill *in the hamlet of Newby*. And Slegill, as the other manors before mentioned within this pariſh, was not held of the Cliffords, but was part of the barony of Kendal.

This manor, in the reign of king Henry the third, and for ſome time after, appears in the hands of divers perſons who received their name from the place.

There was one *Gilbert de Schleagyle*, who gave a meſſuage with the appurtenances to the priory of Wetheral. And Thomas de Morland appears to have held lands at Slegill of *Gilbert de Slegill*.

After him, *Robert de Slegill* was witneſs to a grant of lands at Meburn Regis by John ſon of Walter de Ravenſby to the priory of Wetherall.

By a deed without date, *Adam de Slegill*, ſon of *Robert de Slegill* grants to John de Staffole and Alice his wife and their heirs, his *manor* of Slegill, with the appurtenances; together with the ſervice of one barbed arrow by Robert le Spencer for his lands in Slegill, and with the ſervice of one race of ginger by William Prodhom.

The Slegill arms were, a greyhound catching an hare.

Amongſt the Eſcheats in the 13 Cha. I. it is found by inquiſition, that *William Fayrer* died ſeiſed of 12 meſſuages and tenements in Slegill, in the tenure of divers cuſtomary tenants there, holden of the king as of his manor of Kendal called the Marquis Fee, by knights ſervice.

The *Blenkinſops* of Helbeck had conſiderable poſſeſſions here; as alſo had the abbot and convent of *Shap*.

In the 30 Hen. 8. there is a grant by Richard Evenwode abbot of Shap and the convent there, to Thomas Blenkinſop of Helbeck eſquire, his heirs and aſſigns, of a watercourſe running acroſs a cloſe of theirs at Slegill called Milneflatte, to the water mill of the ſaid Thomas, as ſhall be moſt convevient; rendring to them for the ſame two pence of ſilver yearly at the feaſt of Pentecoſt, if demanded.

In the year 1670, *William Mawſon* gentleman, with conſent of the dean and chapter, gave a leaſe of the tithes of Slegill to the vicarage of Penrith.

VII. KING'S MEABURN.

KING'S MEABURN, as then belonging to the crown, was ſo called by way of diſtinction from *Maud's Meaburn*, which belonged to Maud wife of the firſt Robert de Veteripont, ſiſter of Sir Hugh de Morville; the one was *Meaburn Regis*, the other *Meaburn Matildæ*.

This

This manor, together with the reſt of the barony of Weſtmorland, was granted by king John to the ſaid Robert de Veteripont, in whoſe poſterity it ſtill continues.

In the partition of the eſtate between the two daughters of the laſt Robert de Veteripont, Iſabella de Clifford had three fourths of this manor, and her ſiſter Idonea de Laybourn the other fourth; the whole together valued at 50*l* 6*s* 3*d*.

In the 18 or 19 Ed. 1. John Crombwell and Idonea his wife, widow of Roger de Laybourn, granted to Stephen ſon of William de Meburne and his heirs, ſix acres of land to be meaſured out of their moor of King's Meaburne, at the north end thereof; paying to them and their heirs yearly, for all ſervices, ſix ſhillings.

In the 1 Ed 3. after the death of Roger lord Clifford, the inquiſition finds, that he died ſeiſed, at King's Meaburne, of a capital meſſuage, the herbage whereof was worth by the year 3*s*; in demeſne lands 217 acres by the greater hundred, all which lie uncultivated, by reaſon of the want of tenants, and the deſtruction made by the Scots, the herbage whereof is worth by the year 21*s* 5*d*; twenty-two acres of meadow, worth 22*s*; rent of one free tenant, 2*s* 8*d*; forty-eight oxgangs in the hands of tenants at will, worth yearly 4*l* 16*s*; ſixteen cottages, worth yearly 16*s*; water mill, 50*s*; pleas and perquiſites of court, 3*s*.

Sir Hugh de Morvil gave two oxgangs of land in Meburn to the priory of Carliſle; which king Hen. 2. confirmed; expreſſing the ſame to conſiſt of 32 acres in Meburn Field, and the meadow at the head of two corn lands, and common of paſture for the cattle of their men, which they had in the days of Waldeve.

The priory of Wetheral had ſome lands at King's Meaburn; and there is a grant in the regiſter of the ſaid priory of a parcel of ground there, whereon a grange or farm houſe was erected, by John ſon of Walter de Ravenſby: Witneſſes of which grant were, Robert de Ravenſwithe, and Thomas de Derwentwater, knights; John de Helton, Robert de Slegille, Alan le Butiler, Walter de Boulton, Hugh de Colleby, and others.

VIII. BOLTON.

BOLTON was variouſly written in ancient times; as, *Boelthun*, *Boeltun*, *Bovelthun*, *Botheltun:* From all which it may be conjectured that it received its name from the owner, *Bothel*, *Bovel*, *Boel*, or the like. *Bovel*, and *Bolt*, are names yet in uſe in Weſtmorland. *Bothwell*, in Scotland, is a name well known.

In the 8 Ed. 2. after the death of Robert lord Clifford, *Ralph* Baron of *Grayſtock* ſon of *William*, held Dufton, Bolton, Brampton, and Yanewith; the wardſhip whereof, when it ſhould happen, was eſtimated at 100 marks, and the cornage of the whole 25*s* 6*d*.

In

In the 20 Ed. 2. *John de Derwentwater* held the manor of Bolton. For the Derwentwaters held the ſame of the Grayſtocks as meſne lords, the Grayſtocks holding immediately of the Cliffords.

In the 11 Ric. 2. there was a writ of inquiry, concerning a breach of privilege of parliament, by an enormous riot and forcible entry committed in Bolton, upon the goods, lands, ſervants, and tenants of Sir *John de Derwentwater*, one of the knights of the ſhire for Cumberland, whilſt he was ſitting in parliament.

In the 15 Ric. 2. after the death of Roger de Clifford, the inquiſition finds, that *Ralph de Grayſtoke* held of the ſaid Roger, on the day on which he died, the manor of Bolton.

In the 10 Hen. 5. after the death of *John de Clifford*, *John de Grayſtock* held the ſame.

In the 31 Hen. 6. it is found by inquiſition, that *Nicholas Radcliff* then held Bolton of *Ralph* baron of *Grayſtock*, as the ſaid baron held the ſame of Thomas de Clifford.

At the diſſolution of the abbey of Shap, it appears that the ſaid abbey had a rent out of Bolton of 16*d* a year, paid by Sir *Cuthbert Ratcliffe* knight.

In the 1 and 2 Ph. and M. *George Ratcliffe* knight held Bolton of *William* lord *Dacre*, as the ſaid lord *Dacre* held the ſame of Henry earl of Cumberland.

Afterwards, the *Fletchers* of Hutton purchaſed the *manor* of Bolton, in which family it ſtill continues. *Jeffrey Wybergh*, a younger brother of the Wyberghs of Clifton, purchaſed the hall and demeſne; whoſe ſon *Thomas Wybergh* ſold the ſame to his father's ſiſter Mrs. *Dorothy Halton*, widow of Mr. *Miles Halton* who had been ſteward at Grayſtock caſtle; who gave the ſame to her younger ſon *Miles Halton*; who had a daughter and heir *Dorothy* married to *Edward Birket*, M. A. prebendary of Carliſle, whoſe ſon *Henry Birket* eſquire now enjoys the ſame.

King Henry the ſecond confirmed to the priory of Carliſle certain lands lying between Bolton and Colby, which were *in calumnia* (debateable lands) with common of paſture and other eaſments there, given by Uchtred and Adam his heir.

The priory of Wetheral had five tenements in Bolton of the yearly rent in the whole of 2*l* 11*s* 8*d*.

And in the year 1326, an inquiſition was taken in St. Laurence's church in Appleby, before Robert de Southaic official of biſhop Roſs, upon this queſtion, Who ought to furniſh the chantry in the chapel of Bolton? The ſubſtance of the evidence was, that the anceſtors of Sir John de Derwentwater founded the ſaid chantry, and when there wanted veſtments or other ornaments in the ſaid chantry, the lord and his bailiff diſtrained the goods and chattels of the tenants of the prior of Wederhal in Bolton, and kept the ſame; and that on complaint thereof by the tenants to the prior, the prior diſtrained the vicar to find a chaplain; and that whatever might be between the prior and vicar, the

lord and his bailiff kept the diſtreſs, till all the ſaid things were provided. But whether the land was ſpecially charged in the firſt endowment to find the ſame, the witneſſes knew not *.

Before the augmentation by the governors of queen Anne's bounty, the revenues of the chapel were certified to amount to 4*l* 10*s* a year: Which did ariſe from 3*l* a year paid by the vicar of Morland, and 30*s* a year ariſing from the produce of the chapel yard, ſurplice fees, and the tithes of garths in Bolton, and of chickens, eggs, ducks, hemp, and flax, throughout the lordſhip of Bolton. In the year 1754, this chapel received an augmentation of 200*l* by lot, with which an eſtate was purchaſed in the pariſh of Orton. And in the year 1761, the lady Gower gave 200*l*, being part of a charity of her father Thomas earl of Thanet; whereupon other 200*l* were obtained from the governors of the ſaid bounty of queen Anne; with which ſum of 400*l* an eſtate was purchaſed at Bolton.

Towards raiſing a ſalary for a *ſchoolmaſter* at Bolton; James Hanſon of Bolton yeoman, in the year 1721, by his will gave 40*l*. And Elizabeth Hanſon his widow 10*l*. Joſeph Railton of London, by deed in the year 1762, gave 40*l*. William Bowneſs of Bolton, by deed in 1762, gave 50*l*. And Michael Richardſon of Suthamſtead Abbots and Suthamſtead Baniſter in Berkſhire, D. D. by his deed in 1765, gave 50*l*. in all 190*l*. The intereſt thereof to be applied to the uſe of a ſchoolmaſter.

IX. BULEY.

Eaſtward from Bolton, and about a mile and an half weſt from Appleby, is a pleaſant ſeat belonging to the biſhop of Carliſle, called BULEY CASTLE, on the ſouth ſide of Eden, oppoſite to Crackenthorp. It was formerly controverted, but is now agreed to be in Morland pariſh.

It was ſo called, from its being built by, or belonging unto John Builly, whoſe daughter and heir Idonea was married to the firſt Robert de Veteripont.

It is now a mean ruinous building; but anciently the biſhops ſometimes reſided here. Several ordinations have been held at this place. And divers confirmations of charters and other publick acts are dated from hence. Perhaps at ſuch times eſpecially, when the biſhop was deſirous to be removed out of the way of the Scotch incurſions.

* Regiſtr. Wetheral.

PARISH

PARISH OF CLIBURN.

CLIBURN, *Cleburn*, *Cleyburn*, ſeems to derive the name from its ſituation. *Burn* is a rivulet or brook. And there is in the ſoil here a courſe of *clay*, which diſcovers itſelf in the channel and banks of the rivulet called *Leeth*, which runs on the weſt ſide of the village, and falls into *Lyvennet* below Cliburn mill.

The pariſh is bounded on the eaſt, ſouth, and weſt, by the pariſh of Morland; and on the north, by the pariſhes of Lowther, Clifton, and Brougham; and contains about 36 families, all of the eſtabliſhed church.

The church is dedicated to St. Cuthbert. It is a rectory, in the patronage of the biſhop of Carliſle; rated in the king's books at *9l 1s 5½d:* the clear yearly value, as certified to the governors of queen Anne's bounty, *40l 10s.*

This, though it ſtill continues a rectory, was appropriated to the abbey of St. Mary's York. And the reaſon why it continued a rectory moſt probably was, becauſe the pariſh was ſo ſmall, that the revenues thereof would do little more than maintain an incumbent to perform the duty. And this might be a reaſon why the advowſon, on a diſpute, was given up to the biſhop of Carliſle, and a ſmall penſion only reſerved to the abbey; for they could not both maintain a vicar, and receive any thing conſiderable for themſelves.

The appropriation was early. By whom, hath not appeared to us. But it was confirmed by Athelwold firſt biſhop of Carliſle, who came to the ſee in the reign of king Henry the firſt.

In the time of Walter Mauclerk, fourth biſhop of Carliſle, the abbot and convent aforeſaid, on an arbitration, were ordered to give up the perpetual advowſon of the church of Cliburn, to the biſhop and his ſucceſſors.

And accordingly, in the year 1284, the ſaid abbot and convent granted to Silveſter biſhop of Carliſle and his ſucceſſors, the advowſon of the church of Cliburn; Saving to the ſaid abbey the uſual penſion *.

Which penſion at firſt was 10*s* yearly; as appears from the acknowledgment of *Nicholas Malveyſin*, rector of Cliburn about that time †.

In

* Univerſis Chriſti fidelibus, ad quos præſens ſcriptum pervenerit; Thomas abbas et conventus beatæ Mariæ Eborum ſalutem in Domino. Noverit univerſitas veſtra, nos unanimi conſenſu capituli noſtri dediſſe et conceſſiſſe venerabili patri et domino Silveſtro Dei gratia Karliolenſi epiſcopo ſuiſque ſucceſſoribus, jus patronatus eccleſiæ de Cliburne; ſalvis nobis antiquis et conſuetis penſionibus de eiſdem. Et nos et ſucceſſores noſtri dicto epiſcopo et ſuis ſucceſſoribus advocationem dictæ eccleſiæ contra omnes homines in perpetuum warrantizabimus. In cujus rei teſtimonium præſenti ſcripto ſigillum capituli noſtri duximus apponere. Datum apud Ebor' octavo Idus Maii, anno domini milleſimo ducenteſimo quadrageſimo octavo. *(Regiſtr. Wetheral.)*

† Omnibus Chriſti fidelibus ad quorum notitiam præſens ſcriptum pervenerit; Nicolaus Malveyſin, rector eccleſiæ de Cliburn, ſalutem æternam in domino. Noverit univerſitas veſtra quod ego teneor ſolvere annuatim abbati et conventui ſanctæ Mariæ Eborum et monachis de Wederhal decem ſolidos nomine penſionis prædictæ eccleſiæ de Cliburn, ſc. medietatem ad Pentecoſten, et medie-

In the year 1302, *Peter Tillioll* was collated by biſhop Halton, with reſervation of a penſion of one mark of ſilver yearly, payable to the prior and convent of Wederal.

In 1309, *Simon de Laton* had the rectory, and was allowed to let it to farm, to enable him to pay his proportion of a ſubſidy granted by the ſpiritualty, for the relief of the holy land.

In 1317, one *John de Burdonne* was rector.

In the year 1342, one Sir *Henry de Roſſe* was rector of Cliburn; to whom a licence of abſence was granted by the biſhop.

In 1556, *Edward Knype* was preſented to the rectory of Cliburn by king Philip and queen Mary, the biſhoprick being then vacant. He was alſo rector of Warcop. And by his will, dated in 1574, he bequeathed a ſum of money for the purchaſe of 20 nobles yearly for ever of quit rent, to be diſtributed amongſt his poor relations and the poor pariſhioners of Warcop and Cliburn.

On the death of the ſaid Edward Knype in the year following, *Richard Phaer* was collated by biſhop Barnes.

In 1577, on the death of Richard Phaer, *Chriſtopher Witton* was collated by biſhop Story.

In 1587, Chriſtopher Witton reſigns, being to be collated to the rectory of Scaleby; and *William Meye*, M. A. (probably a relation of the biſhop) was collated by biſhop Meye.

On William Meye's death, in 1625, *Richard Fleming*, M. A. was collated by biſhop Senhouſe.

In 1639, on his death, *Timothy Tullie*, M. A. was collated by biſhop Potter.

In 1673, on the ceſſion of *John Ardrey* rector of Cliburn, *William Fenwick* was collated by biſhop Rainbow.

In 1687, on the death of William Fenwick, *Nathanael Spooner* was collated by biſhop Smith.

In 1688, on the ceſſion of Nathanael Spooner, *Richard Shepherd* was collated by the ſame patron.

In 1739, on the death of Richard Shepherd, *Marmaduke Holme* was collated by biſhop Fleming.

In 1760, on Marmaduke Holme's death, *Robert Stephenſon* was collated by biſhop Oſbaldiſton.

The *church*, in proportion to the extent of the pariſh, is very ſmall.

The *parſonage houſe* is ſituate near adjoining to the churchyard. It is an old building, but in a pleaſant ſituation, by the ſide of the Leeth.

The MANOR of Cliburn became early divided into CLIBURN TALEBOIS and CLIBURN HERVEY. *Cliburn Talebois* derived its name from the owners, a

tatem ad feſtum ſancti Martini in hyeme. Et ad hoc fideliter faciendum ſacramento meo me obligavi. In cujus rei teſtimonium præſenti ſcripto ſigillum meum appoſui. Hiis teſtibus; Magiſtris Roberto de Saham, Rogero Pepin, Johanne de Popelton, Gilberto de Lincoln, Waltero de Gaugy, Johanne Malet, Johanne de Yvetot, Henrico Teutonico, Roberto Rupe, T. de Karl' clerico, et aliis. *Id.*

branch probably of the ancient family of *Talebois* barons of Kendal. *Cliburn Hervey* ſeems alſo to have received its denomination from the owner; but it had gone out of that name before the commencement of any of our accounts.

In the 14 Ed. 1. in the partition of the Veteripont inheritance between the two daughters and coheirs of the laſt Robert, the homage and ſervice of *Lucas Talebois* were aſſigned to Idonea the younger ſiſter, for *Cleburn Talebois*.

In the 8 Ed. 2. *Lucas Talebois* held of *Robert de Clifford* one moiety of the manor of Cliburn; the wardſhip whereof was valued at 13*l* 6*s* 8*d*, and the cornage was 12*s* 4½*d*.

In the 43 Ed. 3. *Walter de Talebois* held the manor of Cliburn Talebois.

In the 15 Ric. 2. *Walter de Talebois* in like manner held the ſame.

Again, in the 10 Hen. 5. *Walter de Talebois* held the manor of Cliburn Talebois and alſo Kirkeber, by the cornage of 14*s* 4½*d*.

After this, we no further meet with the name of *Talebois*. It ended in a daughter *Elizabeth*, married to *Robert le Franceys* of Cliburn *; of an ancient family there; for in the 20 Ed. 1. there was one *John Franceys* of Cliburn, who was a juror at Appleby in a cauſe between the king and the abbot and convent of St. Mary's York, concerning the advowſon of the two churches at Appleby.

The ſaid *Robert* and *Elizabeth* had a ſon and heir *John le Franceys* de Clyburne.

How long this moiety continued further in the name of *Franceys* doth not appear. It became at length united (after the tenants had been moſt of them ſold free by one or other of the intermediate lords) with the HERVEY moiety, which we proceed next to deduce.

In the 8 Ed. 2. by the inquiſition *poſt mortem* of Robert de Clifford, the jurors find, that *Walter de Tylia*, *John de Staffoll*, and *Robert de Sourby* (truſtees probably in a ſettlement) held a moiety of Cliburn, by the cornage of 7*s* 8½*d*.

In the 43 Ed. 3. *Robert de Cliburn* held the manor of Cliburn Hervey. Which *Robert* alſo at that time was lord of the manor of Bampton Cundale.

In the 7th and again in the 10th of Ric. 2. *Robert de Cliburn* was knight of the ſhire for Weſtmorland.

In the 15 Ric. 2. *Thomas* ſon of *John de Warthecopp* and *Margaret* his wife, widow of *John Cliburn*, as of the right of the ſaid *Margaret*, held the manor of Cliburn Harvey; the reverſion thereof, after the death of the ſaid Margaret, to go to *Roland Cliburn* ſon and heir of the ſaid John Cliburn and Margaret.

In the 34 Hen. 6. after the death of Thomas lord Clifford, one of the jurors upon the inquiſition was *Roland Cliburn* eſquire.

In the 22 Hen. 8. *Robert Cliburn* was arbitrator in a cauſe between Guy and Hugh Machel.

The next that we meet with was *Richard Cliburn* eſquire; who repaired or rebuilt the hall in the reign of queen Elizabeth: as appears by the following

* Dugd. MS.

 inſcription

inſcription over the hall door (which, by the way, is not an original compoſition, but borrowed as is uſual among poets, from the inſcription before mentioned, over the hall door at Newbiggin;)

Richard. Clebur. thus. they. did. me. cawle.
who. in. my. time. builded. this. haule.
1577.

Thomas Cliburn of Cliburn eſquire, ſon and heir of Richard, married Frances daughter of Sir Richard Lowther of Lowther knight. And this is the laſt of the name of *Cliburn* that hath occurred to us. Not improbably, it ended, like moſt of the reſt, in daughters.

The *hall* and manor, after paſſing through ſeveral hands, became mortgaged at laſt to Sir *John Lowther* of Lowther, ſurnamed *The Rich*; whoſe poſterity ſtill enjoy the ſame.

The arms of Cliburn are: Argent, a chief; and three chevronels braſed, in baſs, Sable.

Within this pariſh is a tenement, now belonging to Sir James Lowther baronet, called *Gilſhaughlin* (from rubbiſh ſhoveling down), where the market was held in the year 1598, when the plague raged at Appleby.

Belonging to this pariſh is *Winderwath*, though intercepted from it by the upper part of Whinfell foreſt, which is in the pariſh of Brougham; ſo as Winderwath is no where contiguous to the reſt of the pariſh. It was ſold by George earl of Cumberland to one of the *Brathwaites* of Warcop; who ſold it to Mr. *Wyvil*, in whoſe poſterity it ſtill continues.

PARISH OF BAMPTON.

I. *Pariſh of Bampton.*
II. *Bampton Patric.*
III. *Bampton Cundale.*

I. PARISH OF BAMPTON.

THERE is a Bampton in Cumberland, which Mr. Denton calls *Villata Bembæ* or *Bombæ*, which ſeemeth to argue that the place hath received its name from the owner. And to this purpoſe it is remarkable, that the little hamlet in Bampton, next adjoining to the church, is to this day called *Bombey*.

This pariſh is bounded on the Eaſt by the pariſhes of Lowther, Shap, and Morland; on the South, by the pariſh of Shap; on the Weſt, by the pariſhes

of Barton and Aſkham; and on the North, by the pariſhes of Aſkham and Lowther: and contains about 140 families, all of the church of England, one only excepted.

The whole pariſh is but one townſhip or conſtablewick, and probably of ancient time hath been but one manor, when it received the name of Bampton. But ſo early as any account hath occurred to us, Bampton was divided into two parts, *Bampton Patric* and *Bampton Cundale*; both ſo called from their reſpective proprietors.

Within Bampton there is a place called *Knipe*, which is often ſpoken of as diſtinct from Bampton; as where it is ſaid *Bampton and Knipe Patrick*, *Bampton and Knipe Cundale*. *Knipe* is ſo called from its ſituation. It ſignifies the top of an hill or rock. The Saxon word is *knæp*. In the goſpel, where the Jews led our Saviour to the *brow of the hill* whereon their city was built (in order to caſt him down headlong), the Saxon expreſſeth it by the *knæp of the mûnt*. The Iſlandic word is *gnype*. *Nab* is a word of the like derivation, ſignifying the top and outermoſt verge of a ſteep hill. Thus, oppoſite to Knipe, towards the eaſt, we find *Hardendale Nab*.

The *church* of Bampton is dedicated to St. Patric. It is a vicarage in the patronage of the crown (ever ſince the diſſolution of monaſteries); and is rated in the king's books at 7*l* 5*s*; the clear yearly value, as returned to the governors of queen Anne's bounty, 8*l* 13*s* 4*d*. And in the year 1750 it was certified at 23*l*.

It was appropriated to the abbey of Shap, about the year 1170.—Amongſt the writings at Crackenthorp hall, there is a confirmation of this appropriation, together with that of the church of Shap, to the ſaid abbey, by Robert biſhop of Carliſle, in the year 1263: With a grant to the abbot and convent, in reſpect of the ſmallneſs of their revenues, that they may officiate in the ſaid churches by two or three of their own canons, one of whom to be preſented to the biſhop as vicar, to be anſwerable to the biſhop in ſpirituals; and another to be anſwerable to the abbot and convent in temporals. Yet ſo, that in each church they have one ſecular chaplain, to hear confeſſions, and execute ſuch other matters, as cannot ſo properly be done by their own regular canons. Dated at *The Roſe* (apud la Roſe) on the morrow of St. John Baptiſt, 1263. And the confirmation thereof by the prior and chapter of Carliſle bears date on the day following *.—In 1287, the ſame was confirmed, in like form, by Ralph de Irton biſhop of Carliſle.

In the year 1300, *Roger de Barton* was inſtituted to the vicarage of Bampton, on a preſentation by the abbot and convent of Heppe; and the vicarage was taxed at 8*l* 6*s* 8*d*, wherewith the vicar was to maintain himſelf and one ſecular prieſt: the abbot and convent to ſuſtain all other charges ordinary and extraordinary, and ſubſidies granted or to be granted. To make up which ſum of 8*l* 6*s* 8*d*, the vicar was to receive all the obventions, altarages, and ſmall tithes; except the tithes of wool and lamb and corn.

* Machel.

In

In 1309, on the reſignation of Roger de Barton, the prior and convent preſent another of their canons, *John de Appleby*.

In 1358, one *John de Hauville* was vicar of Bampton; on whoſe reſignation, the prior and convent preſent *John de Morland*, who is inſtituted thereupon.

In the year 1362, *John de Aſkeby* was vicar of Bampton. By his will he bequeathed his body to be buried in the quire of St. Patric of Bampton; and gave alſo 2 *s* to the chapel of St. Thomas of the church of Bampton. Of which chapel or oratory we have found no footſteps remaining.

Three years after this, we find one *Gilbert Raket* vicar.

In 1369, *John de Bampton* was inſtituted, on the preſentation of the abbot and convent.

After the death of the ſaid John in 1379, the biſhop iſſues a commiſſion, in favour of *William de Wicliff* then vicar, to inquire of ſuch dilapidations as the executors of John may be liable to.

In 1382, on the reſignation of William de Wicliff, *William de Sutton* canon of Heppe was preſented and inſtituted.

In the year 1539, there is a leaſe of the corn tithes of the pariſh of Bampton, from the abbot and convent of Heppe, to Sir *Edward Harper* vicar of Bampton.

In 1565, *John Harriſon* was preſented by Richard Salkeld eſquire, by grant from the abbot and convent before their diſſolution.

Two years after this, on the death of John Harriſon, inſtitution was given to *Roland Winter*, preſented by queen Elizabeth.

In 1580, on Roland Winter's death, *Chriſtopher Symſon* clerk was inſtituted on the ſame title.

On the death of Chriſtopher Symſon, in 1586, *Barnabas Scott* had the like preſentation and inſtitution.

In 1641, on the death of one *James Atkinſon* vicar of Bampton, *Matthew Wilkinſon*, M. A. was preſented by king Charles the firſt, and inſtituted thereupon.

In 1672, *Thomas Knott* was preſented by king Charles the ſecond.

In 1698, on Thomas Knott's death, *Thomas Wearing*, M. A. was inſtituted on a preſentation by king William.

In 1742, on Thomas Wearing's death, *William Stephenſon* was inſtituted on a like preſentation under the great ſeal.

In 1763, on William Stephenſon's death, *William Langhorn* was inſtituted on a like preſentation.

In 1775, on William Langhorn's death, *Thomas Kilmer* was in like manner preſented and inſtituted.

The *church* of Bampton is a neat elegant building; erected, where the old church formerly ſtood, in the year 1726.

Thomas Gibſon, M. D. who was born at High Knipe in this pariſh, gave 200*l* to this church, whereby to procure an augmentation by the governors of queen Anne's bounty; which was laid out in a purchaſe of lands at Roſſel Bridge

Bridge in the parish of Kendal. The said Dr. Gibson was fellow of the college of physicians, and physician general to the army. He was author of the book intitled Gibson's Anatomy. He married to his second wife a daughter of Richard Cromwell son of Oliver.

The *vicarage house* was rebuilt at the expence of the celebrated and very learned Dr. Edmund Gibson, bishop of London, a native also of High Knipe aforesaid, and nephew of the said Dr. Thomas Gibson. Which Edmund caused a monument to be erected in the church in memory of his father and mother, with this modest plain inscription:

Memoriæ Sacrum
Edmundi et Janæ Gibson,
Charissimorum Parentum,
Monumentum hoc posuit
Edmundus Episcopus Londinensis,
Anno Domini MDCCXLIII.

At the east end of the church on the outside is the following inscription:

M. S.
Thomæ Jackson, in vicinia nati,
Qui Scholam hanc, cui circiter annos
XLIV vigilantissime præfuit,
commendavit adeo,
ut non tenuis fuerit gloria
inter Bamptoniæ educatos numerari.
Utrumque docuit Gibsonum,
alterum Cl. Lincolniæ præsulem *,
alterum Coll. Reg. Oxon. præpositum †,
et aliquos plurimos, qui patriæ simul
et scholæ sunt ornamenta.
Obiit pridie Kal. Junii,
An: Dom: MDCCXIX.
Ætatis suæ LXIV.

At the other end of the church, on the outside, is the epitaph of Mr. Wearing the vicar, written by himself, leaving only a blank for the day and year of his death: In whose time the church and school were rebuilt.

Panditur elegantius denuo sanctuarium Dei:
Resurgunt ædes gratiis musisque sacratæ:
Instaurata omnia,
Thoma Wearing Vicario.
Vix dotatam, cum dirutam; tum auctam, ter amabilem
Unam hanc, unice, confarreavit ecclesiam,
Nec impar, nec appetentior, ille minister:

* The aforesaid Dr. Edmund Gibson, first bishop of Lincoln, afterwards of London.

† Dr. John Gibson, a native also of High Knipe.

Prisca

Priſca fide, patriis moribus, ſimplici munditia.
Bibliorum prius oraculis rite ſciſcitatis,
Liturgiæ, ceu Palladii, ad aras uſque tenax;
Rationem Œconomiæ qualem qualem editurus,
Quod feliciter vortat, exceſſit:
Sicut egens, multos autem locupletans,
Tanquam nihil habens, et omnia poſſidens.
Ilicet, age, aude, ingredere actutum, mi tu,
Hac itur ad cœlum;
Nuſquam alibi requies:
Ut ſimus potiundo, faxit Deus.
Natus 7 March 1647: Inductus 25 March 1699:
Denatus 30 Auguſt 1742.

In the year 1623, *Thomas Sutton*, D. D. a native of this pariſh erected a free grammar *ſchool* at Bampton, and endowed the ſame with the ſum of 500*l*, which was laid out in a purchaſe of tithes in that neighbourhood: Twelve of the principal pariſhioners and neighbours to be governors of the ſaid ſchool: The maſter to be a perſon in holy orders, and a licenſed preacher.

In the year 1665, By indenture between Sir John Lowther of Lowther baronet, John Dalſton of Acorn Bank eſquire, Thomas Sandford of Aſkham eſquire, George Fothergill of Orton clerk, John Bradley of Knipe gentleman, and Chriſtopher Teaſdale of Sockbridge gentleman, of the one part; and Richard Walker, Edmund Cleburne, Henry Nicholſon, Robert Wright, Thomas Jackſon, and Richard Mounſey, of the pariſh of Bampton, yeomen, of the other part: It is covenanted and agreed, that all the ſaid parties ſhall be governors of the ſaid ſchool, and the ſix laſt named ſhall be truſtees of the revenues, who ſhall nominate others when reduced to three, to whom the ſix firſt named or their heirs reſpectively ſhall convey the ſaid tithes in truſt as aforeſaid; and when three of the firſt named ſhall die, their ſurvivors ſhall in like manner chuſe others: That the ſchoolmaſter ſhall be a licenſed preacher, or ſhall by covenant promiſe to preach or procure one to preach in the pariſh church once every 14 days, if he be in health: That the ſchoolmaſter when choſen ſhall covenant by indenture, that if he be convicted of drunkenneſs, incontinency, or any other notorious crime, or be abſent from the ſchool above a month in a year without leave of the major part of the governors, or be ſo negligent, or of ſo bad deſerving, that in the judgment of the major part of the ſaid governors he be not fit to be ſchoolmaſter; that then his election ſhall be void, and he ſhall have no longer any ſtipend there.

William Stephenſon, rector of Laxton in Nottinghamſhire, who alſo was born in this pariſh, gave by his will 150*l* to the church and ſchool.

II. BAMPTON PATRIC.

In the moſt early account that we have met with of the MANOR of Bampton, we find the ſame divided into moieties as aforeſaid, diſtinguiſhed by the names of *Bampton Patric* and *Bampton Cundale.*

BAMPTON PATRIC ſeems to have received its ſurname from the owner *Patricius de Culwen*, who lived in the reign of king Henry the ſecond; from whom is deſcended the family of the Curwens of Workington.

This *Patricius* or *Patrick de Culwen* was younger ſon of *Thomas*, ſon of *Thomas*, ſon of *Goſpatrick*, ſon of *Orme*, younger ſon of *Ketel*, ſon of *Eldred*, ſon of *Ivo de Talebois* baron of Kendal in the time of William the conqueror.

The elder branch of the family, from *Ketel*'s elder ſon *Gilbert*, continued the deſcent in the direct line of the barons of Kendal. From *Orme* the younger ſon aforeſaid deſcended the family of which we now ſpeak.

Orme married *Gunilda* daughter of *Goſpatric* earl of Dunbar: By whom he had a ſon called by his grandfather's name *Goſpatric*; and he was the firſt of the family who ſettled at Workington, by an exchange made between him and his uncle William de Lancaſtre baron of Kendal, of Middleton in Weſtmorland, for Lamplugh and Workington in Cumberland.—It is not impoſſible but that Bampton Patrick might receive its name from this *Goſpatric.* For it is to be obſerved, that very frequently of ancient time *Goſpatric* was written *Coſpatric.* Cos may ſeem to have been an abbreviation of *Comes.* And it is no abſurdity to ſuppoſe, in thoſe illiterate ages, that this *Cos Patricius* (Earl Patrick) of Dunbar, might eaſily degenerate into *Goſpatric.*

This *Goſpatric* ſon of *Orme* had a ſon and heir *Thomas*, who founded Shap abbey.

Thomas was ſucceeded by his ſon *Thomas*; who dying without iſſue, *Patric* his younger brother, of whom we now ſpeak, ſucceeded to the inheritance.

This *Patric*, during the life of his elder brother Thomas, had given to him, by his father, *Culwen* in Galloway, who thereupon took the name of *Patricius de Culwen*; and, Workington in Cumberland being their principal ſeat, thence came the name of the *Culwens de Workington.* Which name, in proceſs of time, degenerated into *Curwen*; for our anceſtors, who were a military people, delighted in rugged and harſh pronunciations: hence they introduced in like manner the letter *r* into the ſound of the word *Colonel.*

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Gilbert de Culwen* [brother and heir of Thomas, ſon of the ſaid Patric] held of the ſaid Robert, on the day on which he died, *Bampton Patric* and *Gnype Patric*, and alſo the manor of *Hepp*; the wardſhip whereof, when it ſhould happen, was worth 52 *l.* the cornage 26 *s* 7 *d.*

Again, in the 43 Ed. 3. *Gilbert de Culwen* [grandſon of the ſaid *Gilbert*] held of the Cliffords the manor of *Gnypp*; and the ſaid *Gilbert de Culwen*, the abbot of *Hepp*, and *Robert de Cliburne*, held the manor of Bampton Patric, by homage and fealty, and the cornage of 13 *s* 4 *d.*

In the 15 Ric. 2. *Gilbert de Culwen* and *Robert de Cliborne* held Bampton Patryke and Knipe Patryke, by the cornage of 15*s* 9*d*.

In the 10 Hen. 5. *Chriſtopher de Curwen* and *John de Cliburn* held the manor of Bampton Patric and Knype Patric, by the cornage of 15*s* 10*d*.

In the 1 Hen. 6. Sir *Chriſtopher Curwen*, knight, purchaſed certain lands at Bampton Skewes; one of the witneſſes to which purchaſe was *Edward Culwen* eſquire.

By an inquiſition in the 19 Hen. 7. it was found, that Bampton Patric and Knipe Patrick were holden by *Chriſtopher Culwen* by knights ſervice, to wit, by homage, fealty, and ſcutage, namely, for Bampton Patric, when ſcutage runs at ten pounds, 10*s*; and cornage 13*s* 4*d*: for Knipe Patric, when ſcutage runs at ten pounds, 4*s*; and cornage 17*s*. That the ſaid *Chriſtopher Culwen* died on the 6 Apr. 14 Hen. 7. And that *Thomas* his ſon and heir was of the age of 30 years at his father's death.

In the 18 Hen. 8. the heir of *Thomas Curwen* knight and *Thomas Cliburne* held the ſame.

Finally, we find the ſame in the name and family of *Warwick*; of whom *Francis Warwick* eſquire ſold the manor to the preſent owner Edward Haſſel eſquire; reſerving the demeſne, of which he died ſeiſed in 1772, and was ſucceeded by his ſiſter Mrs. *Anne Warwick*.

III. BAMPTON CUNDALE.

We come next to the other part of Bampton, which belonged to the family *de Cundale*. Where that *dale* is, from whence this family received their denomination, hath not occurred to us. But that they communicated this their name to *Bampton Cundale* there can be no doubt.

So early as the reign of king Henry the ſecond, we find *Henry de Cundale* (amongſt other principal men of note) witneſs to a compromiſe between the abbot of Byland and others, concerning the boundaries of the manor of Bleatarn belonging to the ſaid abbot and convent.

And in the 13th of king John, *Henry de Cundall* was one of the witneſſes to the grants of the firſt Robert de Veteripont to Shap abbey.

In the 8 Ed. 2. after the death of Robert lord Clifford, *Henry de Cundale* held Bampton Cundale and Gnype; the wardſhip whereof, when it ſhould happen, was worth 13*l* 6*s* 8*d*; the cornage 15*s* 3*d*.

In the 43 Ed. 3. the abbot of *Hepp*, *William de Hornby*, *Gilbert de Culwen*, and *Robert de Cliburne*, (probably as truſtees) held the manor of Bampton Cundale, by the cornage of 15*s* 11*d*.—For now it ſeems to have gone off with a daughter of Cundale, married to Cliburn. For in the 15 Ric. 2. after the death of Roger de Clifford, the inquiſition finds, that *Robert de Cliburn* and *Margaret* his wife, as in right of the ſaid *Margaret*, held of the ſaid Roger the manor of Bampton Cundale, by the cornage of 15*s* 3*d*.

In the 10 Hen. 5. *John de Clyburne* held the ſame.

In the 31 Hen. 6. *Roland Clyburn* held Bampton Cundale and Knipe, by homage and fealty and 15*s* 3*d* cornage, owing alſo for the ſame wardſhip,

marriage, relief, and ſuit to the county court. And afterwards, in the ſame year, *John Cliburn* held the ſame: Which heretofore (as the inquiſition ſets forth) were held by *Ralph de Cundal.*

In the 19 Hen. 7. it was found by inquiſition, that *John Clyborne* held Bampton Cundale of Henry lord Clifford, by homage, fealty, and ſcutage; when ſcutage runs at ten pounds, 10*s*; when more, more; when leſs, leſs: and the cornage of 15*s* 3*d.* That the ſaid *John* died 8 Aug. 4 Hen. 7. And that *Thomas Clyborne* his ſon and heir was then 22 years of age.

In the 18 Hen. 8. *Thomas Clyborne* held the ſame, by the like ſervices.

In the 1 and 2 Ph. and M. *Richard Clibburn* held the ſame, of Henry earl of Cumberland.

Laſt of all, this, like many other neighbouring places, came by purchaſe to the houſe of Lowther.

Within the bounds of this pariſh is a large lake called *Hawes-water* well repleniſhed with ſundry kinds of fiſh: Nigh unto which is *Meaſand* ſchool, endowed by *Richard Wright* formerly of *Meaſand*, with the profits of an eſtate now let at about 24*l per annum*, out of which is deducted yearly about 3*l* for finding books for poor ſcholars and other out-payments.

PARISH OF SHAP.

I. *Pariſh and church of Shap.*
II. *Abbey and manor of Shap.*
III. *Roſgill.*
IV. *Thornthwaite.*
V. *Mardale.*
VI. *Swindale.*
VII. *Moſedale.*
VIII. *Wet Sleddale.*
IX. *Hardendale and Waſdale.*

I. PARISH AND CHURCH OF SHAP.

SHAP was invariably in ancient times written *Hep* or *Heppe*, moſt probably from the fruit of the bramble which ſtill bears that name. By the common people that fruit is ſtill pronounced *choup*, from whence the tranſition to *Shap* is not difficult. Nor doth it at all derogate from this account, that there are at preſent few ſhrubs of that kind there; for the face of the country is totally altered ſince thoſe ancient times; for all was then foreſt and wood, even ſo late down as the foundation of the abbey.

The pariſh of Shap is bounded on the Eaſt by the pariſhes of Morland and Croſby Ravenſworth; on the South, by the pariſhes of Croſby Ravenſworth and Orton; on the Weſt, by the pariſhes of Kendal, Bampton, and Barton; and on the North, by the pariſhes of Bampton, Lowther, and Morland: And contains about 182 families; all of the church of England except one or two.

The church is dedicated to St. Michael the archangel; as appears from the will of one Sir Thomas Tipping prieſt, bearing date in the year 1540 *.

It is a vicarage, rated in the 36 Hen. 8. at 8*l* 15*s* 7½*d*. The clear yearly value, as certified to the governors of queen Anne's bounty, 6*l*.

It hath ſince received an allotment of 200*l* from the ſaid governors, wherewith an eſtate was purchaſed in Cumberland; and other 200*l* in conjunction with 200*l* given by the counteſs dowager Gower, with which an eſtate was purchaſed in Stavely in the county of Weſtmorland.

About the year 1170, Thomas ſon of Coſpatric, founder of the abbey, gave the whole rectory of this church to the monks there; which was confirmed by biſhop Bernard, the portion of the vicarage to the ſaid church, conſiſting in the altarage, only excepted.

And amongſt the Blenkinſop writings at Helbeck, there was a confirmation of the churches of Hep and Bampton to the ſaid abbey, by Thomas de Veteripont biſhop of Carliſle, dated at Buley, on Sunday next before the nativity of the bleſſed virgin Mary, 1256. With a very fine oval ſeal two inches broad, with a biſhop in his mitre and robes, the right hand erect with a finger pointed up, and the left hand holding a croſier, circumſcribed with theſe words "Sigillum Thomæ Dei gracia Karleolenſis Epiſcopi †."

And the ſame were again confirmed in 1263, by the then biſhop and prior of Carliſle; with a grant to the abbot and convent to ſerve in the ſaid churches by two or three of their own canons, one of whom to be inſtituted as vicar, and another to be anſwerable to the ſaid abbey in temporals.

In 1295, on the death of fryer *Walter de Ditton* one of their canons, the abbot and convent *Vallis Magdalenæ de Hepp* preſent fryer *William de Kirkedal*, another of their canons, to the vacant vicarage of Hepp, who was thereupon inſtituted.

In 1319, *Thomas de Wynton*, canon of Hepp, was preſented and inſtituted.

In 1333, the abbot and canons had licence from biſhop Kirkby, to remove the body of Iſabella wife of William de Langleigh de Appleby, their pariſhioner, famed for having miracles done by it, to ſome proper place within the church or churchyard of Hepp; that the reliques might be reverenced by the people, with freer and greater devotion.

In 1342, on the reſignation of fryer *John de Richmund* vicar of Hepp, the abbot and convent preſent the abbot *John de Langeton*.

In 1397, Robert abbot of Hepp appealed to the pope, againſt Richard Pyttes vicar general of the biſhop of Carliſle, who had ſequeſtred the profits of the pariſh church of Hepp; alledging, that the ſaid benefice, except only

* Machel. † Idem.

the

the altarage ſettled on the vicar, was appropriated to him the ſaid abbot and his convent, and had been ſo for time whereof the memory of man was not to the contrary.

In 1514, the abbot and convent of Shap ſue for an half burgage in Cockermouth, bought by *Alexander Yngliſh* late vicar of Shap, with money of which he had defrauded the ſaid monaſtery.

In 1574, after the death of Sir *John Whinfell*, vicar of Shap; Sir *John Brockbank* was collated, on a lapſe, by biſhop Barnes.

This vicarage being ſo very ſmall, few perſons have been willing to be at the expence of inſtitution and induction; but it hath been generally ſuffered to go in lapſe, and ſupplied by curates under a ſequeſtration. But having received augmentations by the governors of queen Anne's bounty, it hath ſince become neceſſary to have vicars canonically appointed. Accordingly, in 1759, William Langhorne clerk was preſented under the great ſeal; and on his death in 1775, James Holme clerk was preſented by Sir James Lowther baronet, and inſtituted thereupon.—The aforeſaid augmentations were, 200*l* which came by lot, wherewith a purchaſe was made of houſes and lands at Seathwaite in the pariſh of Croſthwaite, and two cattle gates on Seathaller or Wad-Fell; and 400 *l*, whereof 200*l* was given by lady Gower, with which an eſtate was purchaſed in Stavely.

The *church* is a pretty large ancient building; with a ſquare tower, and three bells.

At the end of the ſouth ile, is a chapel or burying-place belonging to Roſgill hall.

II. ABBEY AND MANOR OF SHAP.

The ABBEY of Shap was transferred hither from *Preſton* in Kendale; perhaps for the ſake of the ſituation, which is in a lonely vale, on the weſt ſide of the river Lowther, about a mile weſt from the church of Shap, well adapted to the purpoſes of retirement and contemplation.

Thomas ſon of *Coſpatric* by his charter without date (which was about the year 1119, in the 20 Hen. 1.) gave to God and St. Mary Magdalene and the canons of Preſton of the order of Præmonſtratenſes, a portion of his lands at Preſton in Kendale, to build a manſion for the ſaid canons, to wit, his whole demeſne park there, and other lands, ſpecifying the reſpective metes and bounds. He grants to them alſo as much of his woods as they had a mind to take, and alſo the bark of ſuch wood as they ſhould cut down, without the view of his foreſters, and maſtage alſo for their hogs, and the tithe of his pannage: And liberty to grind at his mill moulter free, whenſoever they ſhould come, and as ſoon as the mill ſhould be empty *.

After-

* Univerſis ſanctæ matris eccleſiæ filiis, tam præſentibus quam futuris, qui has literas viſuri ſunt, vel audituri, Thomas filius Coſpatricii, ſalutem. Sciatis, quod ego dedi et conceſſi, et hac præſenti charta mea confirmavi, Deo et ſanctæ Mariæ Magdalenæ et canonicis de Preſton, qui ſunt de ordine

Afterwards, the ſame *Thomas* ſon of *Coſpatric*, on removing the ſaid monaſtery to Shap, granted to God and the church of St. Mary Magdalene of the vale of Magdalene, and the canons of the order of Præmonſtratenſes ſerving God there, all that his land which was *Karl* [that is, as it ſeemeth, which had belonged to his *carls* or huſbandmen, tenants at will] by theſe bounds; from the ford of *Carlwath*, aſcending by the river on the ſouth as far as *Langeſhabeck*, and ſo aſcending by *Langeſhabeck* to the road which comes from Kendale, and ſo following that road northwards till it come to *Staniraſe* nigh *Rafland*; and ſo by that road unto *Raſate*; and ſo going down on the other ſide of the hill, to the great ſtone where they were wont to ſtand to watch the deer as they paſſed [ubi homines ſolebant facere *leſtablie*; *ſtable-ſtand* was, where the men ſtood with bows or dogs ready to ſhoot or courſe; and tenants were in ſome places bound, at the ſummons of the lord, to aſſemble *ad ſtableiam faciendam*, which was called the *buckſtall*]; and ſo going down to the river *Lowther*, and further as far as the diviſion of *Roſgill* towards the eaſt; and ſo all along ſouthward by the top of the hill of *Creſkeld*, and ſo to *Alinbalike*. He grants to them alſo the vale, with *bruſh-wood* [which, by the way, countenanceth the notion of Heppe receiving its name from thence] in the eaſtern part over againſt their own, ſtretching along by the top of the hill to the houſe which formerly was *William King*'s, and ſo to the land which belonged to *Matthew de Hepp*, and ſo going down weſtward to the ſaid ford of *Karlwath*. He alſo grants to them paſture in common with his tenants at *Raſat*, and paſture at *Thamboord*, and at *Swindale* on both ſides (to the top of *Binbarh* on one ſide, and on the other ſide beyond *Thengeheved*), for 60 cows, 20 mares to run in the woods, and 500 ſheep, with their young till the age of three years; and

ordine Præmonſtratenſi, in liberam, puram, et perpetuam eleemoſynam, pro ſalute animæ et ſponſæ meæ, et omnium anteceſſorum meorum, unam portionem terræ meæ in Preſton in Kendale, ad faciendum quandam manſionem canonicorum, videlicet, totum dominicum parcum meum ſubtus Lackſloſt et in Lackſloſt, uſque viam quæ venit de Preſton Uthered; et inde ſequendo viam, uſque ad viam quæ venit de Holme; et ita ſequendo viam de Holme uſque ad ſicum qui venit de Haſaldmire; et per ipſum ſicum uſque ad aquam quæ eſt diviſa inter duas Preſtonas; et ita aſcendendo uſque ad prænominatam viam de Lackſloſt. Præterea, dedi eis totam terram ſubtus viam de Wathſudden uſque Stainbrigge, et totam terram de Stainbrigge uſque ad Brackenthwait, ſicut ſylva dividit et planum, et ita uſque ad terram Ricardi filii Sigith, et ſic ad viam quæ venit de Stainbrigge uſque ad diviſam de Farleton; id eſt, totam terram quæ fuit Michaelis filii Helenæ; et ita ſequendo diviſam de Farleton, uſque in diviſam inter duas Preſtonas; et ita aſcendendo uſque ad prædictam viam de Wathſudden, excepto dimidio prato de Mireſbrigge, et decem acris apud Siggethwait, *ad ſalum eorum*. Et totam terram de ſurſum Wathſudden, ſcilicet ubi capella fuit infirmorum. Habebunt etiam de boſco meo, quantum capere voluerint, et nunc habuerint, ſine viſu foreſtariorum meorum; et cortices lignorum quæ preciduerint, ipſorum erunt. Concedo etiam eis liberam communiam infra metas de Preſton, cum omnibus aliis aiſamentis et libertatibus, quæ pertinent ad prædictam villam de Preſton, in boſco et in plano, in viis et in ſemitis, et in aquis et in molendinis; et paſturam porcorum ſuorum, ſive *plenagiorum*, et decimam pannagii mei. Et molent ad molendinum meum ſine multura, quando venerint, et tam [cito quam] mezca fuerit evacuata: *Et equum proprium habuerint molendinarium, ad meum molendinum ceſſabunt hominum prænominatum.* Volo quod prædicti canonici habe nt et teneant eadem in pace et plenarie et honorince, in liberam, puram, et perpetuam eleemoſynam, ſine omni ſeculari ſervicio, conſuetudine, et exactione. Et ego et hæredes mei warrantizabimus eis hanc donationem, contra omnes homines in perpetuum. Hiis teſtibus, &c. 2 Dugd. Monaſt. 594. From an old copy then in the poſſeſſion of Sir James Bellingham.——Note, the words printed in Italics ſeem to have been miſcopied, being not (to us) intelligible.

for

for five yoke of oxen: And wood alſo for the abbey, for timber, fire, hedging, and other neceſſaries, without the controul of his foreſters *.

This Thomas died Dec. 7. 1152, and was buried in this abbey.

Thomas, ſon of the ſaid Thomas, confirmed his father's grants. Which Thomas ſon of Thomas married a ſiſter, as it ſeemeth, of the firſt Robert de Veteripont. For after the death of this Thomas ſon of Thomas, his widow Johanna de Veteripont gave nine acres of land in the vill of Heppe to the abbot and canons of the vale of Magdalene at Heppe.

Afterwards, in the 13th year of king John, *Robert de Veteripont*, being then come into poſſeſſion of the barony of Weſtmorland by the favour of that king, confirmed the aforeſaid grant of Shap, and the grant alſo of Renegill, which had been made to the ſaid abbey by Maud his mother and Ivo his brother; and he granted further to the ſaid abbey the grange of Milneburn, and the tithes of all his mills in Weſtmorland, and of all the renewal of beaſts in his foreſts in Weſtmorland taken by him or his men, by bows, dogs, or otherwiſe †.

John

* Univerſis ſanctæ matris eccleſiæ filiis, præſentibus et futuris, chartam iſtam viſuris vel audituris, Thomas filius Coſpatricii ſempiternam in domino ſalutem: Noverit univerſitas veſtra, me dediſſe, conceſſiſſe, et hac mea præſenti charta confirmaſſe. Deo et eccleſiæ beatæ Mariæ Magdalenæ de valle Magdalenæ, et canonicis Præmonſtratenſis ordinis ibidem Deo ſervientibus, totam terram quæ fuit Karl, ſcilicet per has diviſas; de vado de Karlwath, aſcendendo per Lowther apud Auſtrum, uſque ad Langeſhabeck, et ſic aſcendendo per Langeſhabeck, uſque ad ſemitam quæ venit de Kendale, et ſic ſequendo ſemitam illam verſus aquilonem, uſque dum veniat ad Staniraſe juxta Raſland: Et ita per ſemitam illam uſque ad Raſate, et ſic deſcendendo extra montem, uſque ad magnum lapidem ubi homines ſolebant facere Leſtablie; et ita deſcendendo uſque in Lowther, et ſic aſcendendo per Lowther, et ultra, uſque ad diviſas de Roſgill penes orientem, de longo in longum apud Auſtrum per ſupercilium montis de Creſkeld, et ſic uſque in Alinbalike. Preterea, dedi eis vallem cum bruſula in orientali parte contra ſuam, tendens in longum per ſupercilium montis uſque ad domum quæ fuit quondam Willielmi King, et ita uſque ad terram quæ fuit Matthei de Hepp, et ſic deſcendendo verſus occidentem, uſque ad prædictum vadum de Karlwath. Dedi etiam eis communem paſturam cum hominibus meis qui manent in Raſat, et paſturam in Thamboord, et in Swindale ex utraque parte, uſque ad ſupercilium montis deſuper Binbarh, et ex altera parte de Swindale, ultra Thengeheved, ex utraque parte, ubi voluerint, et opus fuerit, poſſint die ac nocte, infra dictam paſturam moram facere, et ad abbatiam, et ad vaccariam ſuam, cum neceſſe fuerit, ire, et redire, cum libero introitu et exitu. Hanc prædictam paſturam dedi eis et conceſſi, ſcilicet, vaccis ſexaginta, et equabus ſylveſtribus viginti, et quinque centum ovibus, cum ſequela trium annorum, et quinque carucatis boum. Præterea dedi eis turbariam, et petariam, et quareriam, ubicunque invenire poterint in territorio villæ de Heppe, et viam liberam, eundo et redeundo ad turbariam et petariam et quareriam prædictam, et ad abbathiam ſuam. Dedi etiam eis licentiam capere nemora, ad abbathiam ſuam, in boſco meo, ad ædificandum, et comburendum, et claudendum, ubi melius voluerint, et invenire poterint, et cætera neceſſaria, ſine viſu foreſtariorum, cum omnibus communibus, eaſiamentis, et libertatibus, prædictæ villæ de Heppe pertinentibus. Hæc omnia ſupradicta dedi Deo et prædictis canonicis, habenda et tenenda, in puram, liberam, et perpetuam eleemoſynam, pro ſalute animæ meæ, et ſponſæ meæ Graciæ, et hæredum meorum, et omnium anteceſſorum et ſucceſſorum meorum. Et ego et hæredes mei warrantizabimus omnia ſupradicta prædictis canonicis, contra omnes gentes imperpetuum. Hiis teſtibus, &c.——2 Dugd. Mon. 594.

† Omnibus ſanctæ matris eccleſiæ filiis, præſentibus et futuris, Robertus de Veteriponte, ſalutem. Noverit univerſitas veſtra, me dediſſe et confirmaſſe Deo et beatæ Mariæ Magdalenæ de valle Magdalene, &c. ſedem et locum prædictæ vallis Magdalenæ, in territorio villæ de Heppe, cum omnibus pertinentiis et rebus ſuis, quæ continentur in chartis Thomæ filii Coſpatricii, et in chartis Thomæ filii Thomæ filii ſui, quas de prædictis omnibus habent: Et totam villam de Renegill, cum omnibus pertinentiis

John de Veteripont, ſon of the ſaid Robert, gave the hoſpital of *St. Nicholas* nigh Appleby to the ſaid abbey; whoſe grant was confirmed by Walter Mauclerk biſhop of Carliſle, ſo as the ſaid abbot and convent ſhould maintain three lepers in the ſaid hoſpital for ever.

The ſame *John de Veteripont* gave to the canons of Hepp, a parcel of his demeſne land in the field of Knock Salcock.

Robert de Veteripont, Son of John, gave to the ſaid abbey four marks yearly out of his rents at Aſcome and Milneburn: And there is a writ in the 19 Ed. 2. ſetting forth the ſaid grant, and that the ſaid rent had come into the hands of the king by reaſon of the forfeiture of Roger de Clifford, and therefore commands the king's conſtable of the caſtle of Appleby to pay the arrears thereof to the ſaid abbey.

Ralph ſon of *Adam de Bothelton* gave certain lands at *Bolton*, as did alſo *Adam* ſon of *William de Derwentwater*, *Uctred* ſon of *Simon de Bothelton*, *Henry de Threlkeld*, and *Walter* ſon of *Thomas de Bothelton*, divers other lands there, by ſeveral grants.

They had alſo divers poſſeſſions at *Gargrave* in *Craven*.

They had the appropriated church of *Johnſton* in *Annandale*; which was confirmed to them by *Edward Baliol* king of Scots, in the year 1332.

Roland de Thornburgh granted to them a meſſuage in Kendale; which was confirmed to them by *William* ſon of *Walter de Lindeſay*.

Adam ſon of *Hughtred* gave lands in *Hegnyp* (i. e. *High Knipe*).

Sir *Robert de Aſkeby* knight gave ſeveral parcels of land at *Ormeſhead* †.

William de Hoff, by deed without date, gave to the ſaid abbey a meſſuage in *Skiterigate* in Appleby.

In the 31 Hen. 3. *Thomas* ſon of *Henry de Redeman*, for the health of his ſoul and of the ſouls of his father and mother and anceſtors and poſterity, confirms to the ſaid abbey, two oxgangs of land in the vill of *Apelby*, which *Norman* his brother bequeathed with his body to the ſaid abbey: Which ſaid lands *Norman* had by the gift of John de Veteripont; and into which he the ſaid *Thomas*, after the death of *Norman*, had entry as next heir. Rendring for the ſame to him the ſaid Thomas, his heirs and aſſigns, three barbed ar-

nentiis ſuis, &c. ſicut etiam charta Matildæ matris meæ, et confirmatio Yvonis fratris mei, quas inde habent, melius teſtantur. Dedi etiam dictis eccleſiæ et canonicis villam totam Grangiæ de Milleburn, ſicut monachi de Holme melius eandem villam aliquando tenuerunt, cum Grangia vocata fuit, cum omnibus pertinentibus et rebus, &c. quam villam Nicholaus de Stuttevill mihi dedit, et charta ſua confirmavit, quam chartam habeo, et prædictis canonicis dedi, &c. Dedi etiam dictis canonicis omnes decimas mihi pertinentes omnium molendinorum meorum de tota Weſtmeria, et omnes decimas novationis beſtiarum, quæ captæ erunt de cetero in omnibus foreſtis meis in Weſtmeria, per me vel per homines meos, de dominico vel de maneriis meis, ſive per arcus, ſive per canes, &c. Teſtibus, Gilberto filio Rogeri filii Reinfredi, Wydone de Hellebec, Willielmo filio Ranulphi, Eudone de Bellocampo tunc vicecomite Weſtmariæ, Henrico de Redeman ſeneſchallo de Kendall, Radulpho Daincourt, Anſelmo de Furneſio, Henrico de Cundall, Willielmo de Morvilla, Willielmo Anglico, Willielmo de Thirneby, Johanne de Hardela, Alano Pincerna, Waltero de Meburn, et aliis. Datum apud Cliburne, anno 13° regis Johannis, 8° Kal. Maii, die Sabbati. 2 Dugd. Mon. 594 —From the Regiſter of Shap Abbey, heretofore in the poſſeſſion of the lord William Howard of Naworth; but which now ſeems to be loſt.

† From ſeveral collections made by biſhop Nicolſon.

rows one penny yearly at the feaſt of St. Laurence, and doing for the ſame foreign ſervice ‡.

In the 43 Ed. 3. *Margaret* wife (or rather widow) of Sir *Hugh de Lowther*, gave all her lands in Weſtmorland to the ſaid abbey (which after a courſe of near 400 years came back into the family by their purchaſe of the abbey poſſeſſions.)

Beſides theſe and many other grants of lands, the abbey had the rectories and advowſons of the churches of *Warcop*, *Bampton*, and *Shap*.

They had alſo the MANOR of Shap. This manor appears of ancient time to have belonged to the *Culwens* (of the family of *Culwen*, corruptly *Curwen*, of Workington) held under the Cliffords lords of Weſtmorland. In the 8 Ed. 2. *Gilbert de Culwen* held the ſaid manor. In the 34 Ed. 3. *Gilbert*, grandſon of the ſaid *Gilbert de Culwen*, knight, releaſed to the ſaid abbey all his right in certain lands and tenements in Shap, which he had of the infeoffment of Hugh de Lowther knight, and which the ſaid Hugh had of Thomas de Preſton: The deed is ſealed with a frett, and chief charged with a creſcent. In the 10 Hen. 5. we find the manor itſelf held jointly by the *abbot of Hepp* and *Chriſtopher Curwen:* And afterwards the whole manor appears in poſſeſſion of the abbey, by gift (no doubt) of the *Curwens*.

The ſtate of the *revenues* of this abbey at the diſſolution, will beſt appear from the particulars of the grant thereof by the crown to the *Wharton* family. King Henry the eighth, in the 36th year of his reign, granted (together with the monaſteries of *Giſburn* and *Rival* in Yorkſhire) the monaſtery of Shap, to Sir *Thomas Wharton* knight, lord *Wharton*, and the heirs male of his body, to hold of the king by the ſervice of the twentieth part of one knight's fee, and paying for the whole into the court of augmentations 41*l* 11*s* yearly; with the reverſion thereof in the crown. Afterwards, king James the firſt, in the ninth year of his reign, for the faithful ſervice of Sir George Wharton, knight of the Bath, late deceaſed, [which Sir George was killed in a rencounter by Sir James Stuart] and other conſiderations, granted to *Philip* lord *Wharton*, and *Thomas Wharton* knight, ſon and heir apparent of the ſaid *Philip* and brother of the ſaid *George*, the reverſion and remainder. The particulars whereof are as follows:

" The houſe and ſite of the monaſtery of *Shappe*, and the demeſne and manor of Shappe, and all the tithes of corn, hay, wool, lambs, and other tithes whatſoever yearly accruing of and in the ſaid ſite and demeſne lands of the ſaid monaſtery; and all the meſſuages, lands, tenements, and hereditaments, in the tenure and poſſeſſion of *Antony Knevett*, *John Plumer*, *Hugh Platt*, *Thomas Ayraye*, *Richard Smith*, *William Dockere*, *John Cowperthwaite*, the wife of *William Hayton*, *Richard Hayton*, *Richard Whinfell*, *Robert Whinfell*, *John Robinſon*, *John Walker*, *Thomas Dockere*, *Edward Alexander*, *Richard Hayton*, *William Ayraye*, *John Caſtells*, *John Robinſon*, *Thomas Crakill*, the wife of *William Hebſon*, the wife of *Miles Wetherhed*, *John Dockere* of *Rigg*, the wife of

‡ Machel, from the Evidences at Helbeck.

——— *Sanderſon* or wife of *Richard Dockere*, *Roland Stewardſon*, *Thomas Hayton*, *Thomas Thomſon*, *Edward Ayraye*, *Henry Ayraye*, *Richard Robinſon*, *John Clowdſdale*, *John Alexander*, *John Barwick*, *Robert Alexander*, *John Lowther*, *Thomas Dockere*, *John Robinſon*, *Hugh Hayton*, *Henry Platt*, *John Greenhewe*, *William Smythe*, the wife of *Richard Robinſon*, *Richard Lowther*, *Robert Hoggerd*, *William Robinſon*, the wife of *Thomas Robinſon*, *James Brokebank*, and *John Stevenſon*, or their aſſigns:

And alſo all that the grange of *Renegill*; with the rents and ſervices of divers tenants there, and the meſſuages, tenements, and other hereditaments, in the tenure of divers other perſons, to the number of 22 in the whole:

In *Keilde* and *Thornſhappe*; divers tenements in the tenure and poſſeſſion of *Alexander Dokree*, *Richard Robinſon*, *Robert Wellis*, *Richard Barwike*, *Ralph Morthwaite*, the wife of *William Hogerd*, *Hugh Whitehead*, *Richard Hayton*, *Roger Hayton*, *William Hayton*, *John Dobſon*, the wife of *John Mathew*, *Hugh Lowther*, *Thomas Dokree*, *Robert Brian*, and *William Mathew:*

In *Taleburgh*, *Racete*, and *Roſegill*; meſſuages and tenements, in the tenure of *John Hogeſon*, *William Moreland*, *Richard Araie*, *Thomas Whitehead*, *Richard* his ſon, *William Lancaſtre*, *Roger Meſand*, *Robert Gibſon*, *Henry Cowperthwaite*, *John Hayton*, and *Thomas Salkelde:*

In *Carehullen* in the pariſh of Bampton, and in *Knipe*; meſſuages and tenements in the tenure of *William Hudſon*, *Robert Hudſon*, *William Walker*, *Alexander Burgis*, *William Mateſon*, *Hugh Baxter*, *John Baxter*, *William Hudſon*, *Hugh* his ſon, *John Wilkinſon*, and *William Horne:*

In *Preſton* in Kendale; thirteen meſſuages and tenements:

In *Hutton Yate* and *Farleton*; ſeven:

And the lands called *Laurence* lands, in *Crowforth* in the ſaid county of Weſtmorland:

Tenants in *Great Aſhby*; *Margaret Myre*, and *George Myre* her ſon, and *William Unthanke:*

In *Malde's Meborne*; *John Willan*, *Thomas Addiſon:*

In *Wynandermere*; *Iſaac Dixon:*

Helton dale; *John Holme:*

Hardling; *William Wilkinſon:*

Beggarthwatt; *Thomas Langhorne:*

Terrel; *Chriſtopher Idle:*

Froſtermouth; *Roland Martyn:*

At *Bolton*; a meſſuage and tenement in the poſſeſſion of *John Benſon*, and a rent of 16*d* iſſuing out of the lands of *Cuthbert Ratcliffe* knight, 8*d* out of the tenement of *Richard Gibſon*, 8*d* out of the tenement of *John Dent*, and 3*d* out of the tenement of *Edward Allayne:*

At *Brampton*; a rent of 4*d* and divers ſervices there, and alſo 53*s* 4*d* which *Henry* then earl of *Cumberland* ought to pay for and in the name of alms called *Almes-corne:*

And at *Malde's Meborne*, 22*s*; which *John Fletcher*, *Lancelot Milner*, *Robert Hogeſon*, and *Richard Winter* ought to pay yearly for and in the name of alms called *le alms corne*, iſſuing out of the ſaid vill of *Malde's Meborne:*

At

At *Hoffe Lone*, 18*s*; which *Richard Yare*, *Robert Wilſon*, *John Richardſon*, and *Richard Richardſon* ought to pay yearly for and in name of alms called *le almes corne*, iſſuing and to be delivered out of the vill of *Hoffe Lone:*

Alſo all that corn called almes corn to the ſaid monaſtery of Shap belonging [that is, corn in kind, as it ſeemeth, and not in money] which they the ſaid *Henry* earl of *Cumberland*, *John Fletcher*, *Lancelot Milner*, *Robert Hogeſon*, *Richard Winter*, *Richard Yare*, *Robert Wilſon*, *John Richardſon*, and *Richard Richardſon* ought to render yearly:

One tenement at *Ellerker*, in the poſſeſſion of *John Allon:*

One tenement and cottage at *Sandford*, in the tenure of *Robert Bolland:*

At *Halkerthwaite*; divers meſſuages and tenements:

At *Whayle*; a yearly rent of 6*d* and ſervices iſſuing out of the lands and tenements of *John Lowther* knight:

At *Knipe*; a rent of 6*d* out of the lands of *Edmund Bradley*, and 13*d* out of the lands of the heirs of *Stephen Salkeld:*

At *Roſelands*; a rent of 2*d* and ſervices iſſuing out of the lands of *William Hogherd* and *Thomas Hogherd:*

At *Appleby*; one meſſuage and tenement in the tenure of *Leonard Smithe* or his aſſigns:

And alſo all that late hoſpital of *St. Nicholas* nigh Appleby, and all the poſſeſſions and revenues thereof:

Reſerved and excepted out of the ſaid grant, *Sleddale Grange*, *Milborne Grange*, and all thoſe lands in *Roſegill* in the tenure of *Thomas Salkeld*, and the ſeveral lands and tenements in *Slegill*, *Melkenthorpe*, and *Great Strickland*; and except alſo the lead, and bells, in and upon the church and ſite of the ſaid late monaſtery, the leaden gutters and pipes, and lead in the windows; and excepting and reſerving to the king and his ſucceſſors all the aforeſaid rent of 41*l* 11*s*, the payment thereof to commence, after the heirs male of the body of the ſaid *Thomas* lord *Wharton* ſhall be extinct, or the aforeſaid tail in the premiſſes ſhall be determined."

This abbey and the ſaid revenues thereof continued in the *Wharton* family till the time of the late duke, when the ſame were ſold together with their other eſtates and manors in Weſtmorland to *Robert Lowther* eſquire, father of the preſent owner Sir *James Lowther* baronet.

The ſaid abbey was not exempt from the ordinary juriſdiction: On the contrary, the abbots were admitted by the biſhop of the dioceſe; unto whom, at the time of their admiſſion, they ſwore canonical obedience. Thus in the year 1379, *Robert Mareſchall* the abbot made oath before biſhop Appleby, that he would pay reverence and due ſubjection to the ſaid biſhop and his ſucceſſors and to the apoſtolic ſee (ſaving the privileges of his order)*.

And in the abſence of biſhop Kite, in the year 1519, at the requeſt of the ſaid biſhop, the abbots of Cockerſand and Welbeck confirm the election of

* Ego Robertus Mareſchall, abbas monaſterii de Hepp, ordinis Præmonſtratenſis, ſubjectionem et reverentiam ſecundum regulam ſancti Auguſtini, tibi patri epiſcopo tuiſque ſucceſſoribus canonice ſubſtituendis, et eccleſiæ tuæ Karliolenſi, et ſacroſanctæ ſedi apoſtolicæ (ſalvis privilegiis ordinis mei) me exhibiturum promitto, et manu mea ſubſcribo. *Regiſtr. Ap.*

the abbot of Shap; and on the 25th of March following, in the cathedral church of Durham, the ſaid abbot received ſolemn benediction by the ſuffragan of that ſee, with the ceremonies of the paſtoral ſtaff, ſacerdotal girdle, and ring *.

In Henry the eighth's Valor in the 26th year of his reign, there is an Item of 10*s* a year *oblations in ſtipite* at the ſaid abbey. Perhaps this might be for fuel, in *ſtumps* of trees grubbed up, after the wood was deſtroyed.

This abbey was valued at the diſſolution at 154*l* 7*s* 7½*d* a year; yet it was not diſſolved in the 27 Hen. 8. amongſt thoſe which were rated under 200*l*: And the reaſon might be, becauſe the act in that year ſpeaks of thoſe which contained under the number of 12 perſons, whereas in this abbey there were 20 religious. Or perhaps Henry earl of Cumberland, the patron thereof, who was highly in favour with that king, might have intereſt to ſave it in that firſt attack.

The ſaid abbey was not ſurrendered till the 14th of January in the 31 Hen. 8. and therefore was amongſt thoſe whoſe ſurrenders were confirmed by the act of parliament in that year; and being one of the privileged orders, its poſſeſſions were amongſt thoſe which were capable of being diſcharged from tithes. And yet it hath never been inſerted in any of the liſts of monaſteries diſſolved in that year; and the reaſon hath been, becauſe thoſe liſts contain only ſuch houſes as were valued at 200*l* a year or upwards.

The laſt abbot was *Richard Evenwode*, as he ſubſcribed his name to ſeveral inſtruments yet extant; but he ſurrendered the abbey by the name of *Richard Baggot:* whether he was illegitimate, and ſubſcribed by the name of his mother or reputed father promiſcuouſly, or it was done intentionally that the ſurrender thereby might be void, or how otherwiſe this happened, hath not appeared to us. He was living in the firſt year of queen Mary, and enjoyed a penſion of 40*l* a year. And of the canons and officers there were then ſurviving 13 perſons, each of whom had penſions as follows: *Hugh Watſonne*, *Robert Barlonde*, *John Addiſon*, *Edward Michael*, and *Edmund Carter*, 6*l* each; *Martin Mackarethe*, *John Dawſtone*, and *Richard Mell*, 5*l* each; *John Bell*, 5*l* 6*s* 8*d*; *George Ellerſton*, *Anthony Johnſon*, *John Rode*, and *Ralph Watſonne*, 4*l* each.

Amongſt the writings at Crackenthorp, there is a teſtimonial of one Thomas Sawleman clerk, in the year 1444, with the *common ſeal* of the abbey, partly defaced. There appears to be St. Mary Magdalen with a croſier in her right hand, and part of the legend · · · · · DALENE · · · ET CONVENTV · · · · †.

The taxation to be paid at Rome for admiſſion to the dignity of abbot was 100 florins of gold; as appears from a copy of the "Regeſtum taxæ in impetrandis eccleſiis patriarchalibus, metropolitanis, cathedralibus, et conventualibus, per totum orbem perſolvendæ," in the Britiſh Muſeum, Harl. MSS. N° 1850. Amongſt which are, *Canterbury* archbiſhopric 10000 florins of gold, *York* 10000, biſhopric of *Durham* 8000, *Winchester* 12000, *Carliſle* 1000.—A florin of gold ſeems to have been about the value of an Engliſh crown.

* Nicolſon. † Machel.

And

And conſidering the diminution in the value of money, theſe florins might now be reckoned as pounds.

The church of the abbey appears to have been a ſpacious building. The tower thereof at the weſt end is yet ſtanding; on the eaſt part whereof are the marks where the roof of the church hath adjoined to it. Nigh thereunto is a little farm houſe, which hath formerly been ſome of the offices. Juſt below the abbey are the ruins of an old bridge, the pillar whereof in the midſt of the water is yet remaining. About half a mile to the north eaſt is a farm houſe called the Grange, which belonged to the abbey, with ſpacious fields adjoining.

There were alſo ſome lands at Shap which belonged to the abbey of *Byland* in Yorkſhire, given by the aforeſaid Thomas ſon of Coſpatric to God and St. Mary *de Bellalanda:* He granted alſo to the ſaid abbey of Byland paſture for 500 ſheep in Heppe and Heppeſhow.

In the year 1687, June 24, Philip lord Wharton procured a charter for a market at Shap weekly on Wedneſday, and three fairs yearly, *viz.* on the 23d and 24th of April, the 1ſt and 2d of Auguſt, and the 17th and 18th of September.

And on the 14th of December in the ſaid year, the ſaid lord Wharton, in conſideration of one year's cuſtomary rent paid by the tenants of the ſaid manor, granted to them and their heirs to be free from toll in the ſaid market and fairs.

Towards the ſouth end of the village of Shap, near the turnpike road, on the eaſt ſide thereof, there is a remarkable monument of antiquity; which is an area upwards of half a mile in length, and between 20 and 30 yards broad, encompaſſed with large ſtones (with which that country abounds) many of them three or four yards in diameter, at 8, 10, or 12 yards diſtance, which are of ſuch immenſe weight that no carriages now in uſe could ſupport them. Undoubtedly this hath been a place of Druid worſhip, which they always performed in the open air, within this kind of incloſure, ſhaded with wood, as this place of old time appears to have been, although there is now ſcarce a tree to be ſeen (*Shap-Thorn* only excepted, planted on the top of the hill for the direction of travellers). At the high end of this place of worſhip, there is a circle of the like ſtones about 18 feet in diameter, which was their *ſanctum ſanctorum* (as it were) and place of ſacrifice. The ſtone is a kind of granite, and when broken appears beautifully variegated with bright ſhining ſpots like ſpar The country people have blaſted and carried away ſome of theſe ſtones, for the foundation ſtones of buildings. In other places, ſome have cut theſe ſtones (but with difficulty) for milſtones. When poliſhed, they would make beautiful chimney-pieces.

III. ROSGILL.

Within the pariſh of Shap, is the manor of ROSGILL or ROSEGILL; probably not ſo called from any ſhrub of that name growing there, as we have before ſuppoſed of Shap and of Sleagill; but rather from *Rhôs* or *Roſe*, which in the Britiſh ſignifies a moiſt valley or dale.

In the reign of king Henry the third, we find *John de Roſgill* witneſs to a grant of lands at Thrimby to the priory of Wetheral.

In the 20 Ed. 1. *John de Roſſegill* knight was one of the jurors in a cauſe between the king and the abbot of St. Mary's York, concerning the advowſon of the two churches at Appleby.

In the 5 Ed. 3. Sir *John de Roſſegill* was witneſs to an exchange of lands, between Sir Hugh de Lowther and the prior of Watton.

In the 18th of the ſame king, *Robert de Roſſegill* is the firſt in the liſt of jurors upon the inquiſition *poſt mortem* of Robert de Clifford.

The laſt of the *Roſgills*, whether this *Robert* or another, had a daughter and heir *Chriſtian*, who in the reign of Richard the ſecond was married to *Hugh de Salkeld* of Corby-caſtle, who firſt brought in the *Salkelds* to Roſgill. Which Hugh was knight of the ſhire for Weſtmorland during the whole reign of king Richard the ſecond, and part of the reign of king Henry the fourth.

In the 8 Ed. 4. there is a deed of lands at Ormſide, to *Thomas Salkeld* junior, lord of Roſgill: Witneſſes whereof, William Salkeld, Roger Salkeld.

In the 3 Hen. 8. there is an indenture between the abbot and convent of Shap and *Richard Salkeld* of Roſſgill, ſon and heir of *Thomas Salkeld* of Corby eſquire.

In the 26 Hen. 8. *Thomas Salkeld* held lands at Roſegill of the ſaid abbot and convent.

In the 3 and 4 Ph. and Mary, *Richard Salkeld* of Roſegyll eſquire was one of the arbitrators in a diſpute between Richard and Henry Machel of Crackenthorp.

In the 8 Eliz. *Richard Salkeld* eſquire preſented a vicar to the church of Bampton, by virtue of a grant which had been made of that turn by the abbot and convent before their diſſolution.

In the 7 Cha. 1. by inquiſition after the death of *Richard Salkeld*, it is found that he died ſeiſed of a moiety of the manor of Roſegill, holden of the king *in capite* by knights ſervice; and that *Dorothy Morley* is his ſiſter and ſole heir: Which *Dorothy* was married into the family of *Chriſtian* of Ewanrigg in Cumberland, in whom the demeſne ſtill continues, but the manor was ſold to Sir John Lowther, anceſtor of the preſent owner Sir James Lowther baronet.

The arms of Salkeld were; Vert, a fret Argent.—In the eaſt window of the quire of the church at Shap, are the arms of Clifford and of Salkeld.

IV. THORN-

IV. THORNTHWAITE.

THORNTHWAITE was anciently a large foreſt. It is part in the pariſh of Shap, and the other part in the pariſh of Bampton. It anciently belonged to the *Curwens* aforeſaid, until Sir *Henry Curwen* ſold the ſame to the lord *William Howard* of Naworth; who gave it to Sir *Francis Howard* his younger ſon; whoſe ſon and heir *Francis Howard* of Corby eſquire enjoyed the ſame in the reign of king Charles the ſecond. By a daughter of which family it came to *Francis Warwick* of Warwick-briggs eſquire, who ſold the greateſt part to the preſent owner *Edward Haſſel* of Dalemain eſquire, retaining the other part, which ſtill continues in the *Warwick* family.

V. MARDALE.

This diviſion is part of the foreſt of *Thornthwaite*, and lies part in the pariſh of Shap, and part in the pariſh of Bampton. The *chapel* of Mardale is in the pariſh of Shap: the preſent revenue whereof is about 26 *l per annum*, being the produce of three allotments of queen Anne's bounty of 200 *l* each, and of 75 *l* contributed by ſeveral different perſons.

VI. SWINDALE.

This alſo is part of *Thornthwaite* foreſt; which extended wide in theſe uncultivated places. It may have received its name, either from the ſituation, as *Swin* ſignifies inclining or crooked; ſo there is *Crookdale* in this ſame pariſh of Shap: Or it may be ſo called from wild boars having frequented there; as there are *Griſedale*, *Boredale*, *Stybarrow*, in the neighbouring pariſh of Barton; and *Wildboarfell* in Ravenſtondale. *Hogherd* (we have ſeen) was a name in this pariſh, now corruptly written *Hoggart*, or (as varied by the late excellent painter of that name who was of Weſtmorland extraction from Kirkby Thore) *Hogarth*.

At this place is a ſmall chapel, which was built by the inhabitants to anſwer the purpoſe both of ſchool and chapel. There was a ſmall endowment for a ſchoolmaſter, and he was permitted to read prayers on Sundays. By an allotment of queen Anne's bounty, the chapel and ſchool together are now worth about ſixteen or ſeventeen pounds a year.

VII. MOSEDALE.

MOSEDALE, *Moſs-dale*, is a wild, bleak, *moſſy*, and mountainous dale; but profitable for fine blue ſlate: which, ſince it was found out (which is not a century ago), hath quite altered the face of the country as to building. It is a

beautiful, dry, clean, light covering; and, in Weſtmorland, by reaſon of its vicinity, cheaper than thatch, becauſe durable. Much of it, by land-carriage, is conveyed over Stanemore into the counties of Durham and York.

This dale alſo is the property of the ſaid Edward Haſſel eſquire.

VIII. WET SLEDDALE.

South-weſt about a mile and an half from Shap is the hamlet of SLEDDALE *Slea-dale*, diſtinguiſhed from another *Sleddale* in the barony of Kendale by the name of *Wet Sleddale*; for if any rain is ſtirring, the air ſcoops it ſurpriſingly into the hollow of that dale.

We have obſerved before, that Sleddale Grange belonged to the abbey of Shap. In the year 1360, there is a remarkable circumſtance in the biſhop's regiſtry relating to this grange. Complaint being made of ſome unknown perſons riotouſly breaking into the houſes and grange of the abbot and convent of Hepp at Sleddale, and committing ſeveral diſorders there; the biſhop iſſues out his mandate to the dean (rural) of Weſtmorland, and to the rector of Lowther, the vicars of Hepp, Morland, and Croſby Ravenſwath, to denounce the greater excommunication, at the time of high maſs, when the greateſt number of people ſhould be gathered together, the bells ringing, and the candles lighted and put out, againſt the ſaid rioters.

IX. HARDENDALE AND WASDALE.

Next we come to the manor of HARDENDALE and WASDALE *(Waſte dale)*. This manor belonged to *Byland* abbey in Yorkſhire. By whom it was given, we have not found. *Thomas* ſon of *Coſpatric* (we obſerved before) gave ſome lands at Shap to this abbey, and it is not unlikely that he gave alſo Hardendale and Waſdale.

After the diſſolution, king Henry the eighth, in the 35th year of his reign, granted to *Chriſtopher Crackenthorp* of Newbiggin eſquire, and his heirs, the manor of *Hardeneſdale* (otherwiſe *Hardendale)* and *Waſdale*; together with the meſſuages, tenements, and other hereditaments, in the tenure and poſſeſſion of *Thomas Sanderſon*, *Michael Sanderſon*, *John Kytchyn*, *Henry Coperthwaite*, *William Kytchyn*, *John Sanderſon*, *William Lowes*, *William Athynſon*, *Thomas Robynſon*, *Chriſtopher Winter*, *Simon Lykbarry*, *John Lykbarry*, *Richard Pullo*, *Richard Waſhington*, *Thomas Byrkhead*, *Edward Lowther*, and *Miles Howe*, lying and being in Hardendale and Waſdale; together with all knights fees, eſcheats, reliefs, heriots, court leet and view of frankpledge, aſſize of bread, beer, and ale, waifs, eſtrays, free warren, and all other rights in Hardendale, Waſdale foot, and Waſdale head: Paying to the king, his heirs and ſucceſſors, 16*s* yearly into the court of augmentations.

The ſaid manor ſtill continues in the poſterity of the ſaid Chriſtopher, in like manner as the Newbiggin and other eſtates.

At

At Hardendale was born the learned Dr. John Mill, principal of Edmund Hall in Oxford, celebrated for his edition of the New Teſtament in Greek, in which are collected the various readings of abundance of different manuſcripts.

Oppoſite to Waſdale foot, but in the pariſh of Croſby Ravenſworth, by the ſide of the river Birkbeck, was diſcovered ſome few years ago a ſpaw water, now known by the name of *Shap well*, to which in the ſummer ſeaſon is a conſiderable reſort. It is impregnated with ſulphur, and ſmells like rotten eggs or the barrel of a muſket juſt fired: And hath been found ſerviceable in ſcorbutic diſorders.

PARISH OF ORTON.

I. *Pariſh of Orton.*
II. *Manor of Orton.*
III. *Langdale.*
IV. *Tebay.*
V. *Bretherdale.*
VI. *Birkbeck Fells.*

I. PARISH OF ORTON.

ORTON is nothing but a contraction of *Overton*; the ſituation of which place ſufficiently ſhews its derivation. There are many places in England of the ſame name. Sometimes this place was diſtinguiſhed by the name of *Sker-Overton*, from the ſcar under which it ſtands.

It is bounded on the Eaſt by the pariſhes of Aſby, Croſby Garret, and Ravenſtondale; on the South, by the pariſh of Sedbergh in the county of York, and the pariſh of Kendal; on the Weſt, by the ſaid pariſh of Kendal; and on the North, by the pariſhes of Shap, Croſby Ravenſworth, and Aſby: And conſiſts of about 360 families, all of the church of England, except one quaker family.

The church is dedicated to *All Saints*. It is a vicarage, in the gift of the land-owners within the pariſh; ſo that there are about 240 patrons; who, to avoid confuſion, keep the advowſon in the hands of truſtees, who are bound to preſent according to a majority of votes upon an election-day. It is rated in the king's books at 16*l* 17*s* 3½*d*.

This church was appropriated to the priory of Coniſhead [Conyng's-heved] in Lancaſhire, in the reign of king Henry the ſecond; and there is a confirmation thereof by John Bartholomew, prior of Carliſle, in the time of Hugh third biſhop of Carliſle.

The perſon who gave the ſame to the ſaid priory was *Gamel de Penigton*; as appears by the confirmation thereof by king Edward the ſecond in the 12th year of his reign: who, reciting the ſeveral grants which had been made to the ſaid priory, confirms the ſame, and amongſt the reſt "the grant which "Gamel de Penigton made to the canons of the ſaid place, of the churches "of Penigton, Molcaſtre, and Sker-Overton, with the appurtenances *."

There is another recital in the ſaid confirmation, of an acre of land in Overton, called *Frerebiggins*, given by Alan ſon of Alan de Penigton, to the canons of the ſaid place.

And another recital of two acres and an half and thirty perches of land in Overton, given by Thomas de Muſgrave.

The place called *Frerebiggins* probably received its name from having belonged to the *friers* or brethren of the ſaid priory. For there are no footſteps remaining of any other religious ſociety, which had any poſſeſſions within the manor of Orton. Below *Frerebiggins*, there is a place called *Frere-mire*; and there is a parcel of turbary called *Frere-moſs*, which probably was given by the Penigtons, lords of the manor, together with the lands at *Frerebiggins*, to the ſaid priory. There were two meſſuages and tenements belonging to the church and priory (which are mentioned in the valuation in the twenty-ſixth year of king Henry the eighth), of which there are no traces any where now to be found, except only at the ſaid *Frerebiggins*. The vicar hath about nine acres of land there ſtill, but no dwelling-houſe. The reſt were probably alienated by the priory, as was very frequently done by the religious houſes, on the apprehenſion of their approaching diſſolution; and there was no law to reſtrain them.—There is indeed a place called *The Chapel*, about half a mile ſouth from the church: But that ſeems only to have been for the ſake of receiving the oblations of perſons reſorting to a well there, called Lady-well; which was reported to have ſalutary effects in divers maladies. And there are many wells throughout the country, to which the ſuperſtition of thoſe times attributed the like virtues; that is to ſay, in plain Engliſh, they were efficacious in all caſes wherein cold water in general is ſo.

The firſt vicar that appears upon record after the church was given to the priory was Sir *Richard de Bernard Caſtle*; who, in the year 1293, was preſented to the vacant vicarage of Ovyrton by the prior and convent of Conyngſheved; unto whom inſtitution was thereupon given by biſhop Halton.

In 1302, one *Henry*, whoſe ſurname is not recorded, was vicar of Overton, being preſented in the ſpiritual court, and cited for incontinency; whereupon he became bound to the biſhop in 20 marks, to be forfeited, if thereafter he ſhould be charged and convicted of incontinency with any woman.

In 1338, on the death of *Thomas de Appleby* vicar of Overton, the prior and convent of Conyngſheved preſent one of their own canons, *Richard de Weſſington*; for whoſe inſtitution the biſhop grants a commiſſion, notwithſtanding his being a canon regular.

* 2 Dugd. Mon. 424.

In

In 1373, one Sir *Robert de Berdeſhay* was vicar of Overton; on whoſe death, the prior and convent of St. Mary's de Conynges-heved preſented Sir *Thomas Bell*, one of their own canons.

In the year 1455, *William Birkbeck*, vicar of Overton, was a truſtee in a marriage ſettlement of Thomas Blenkinſop of Helbeck eſquire, of certain lands which the Blenkinſops had at Overton.

In 1534, one *Thomas Lorde* appears to have been vicar of Overton.

In 1573, on the death of *Philip Machel* vicar of Overton, inſtitution was given to Mr. *Robert Corney*, on a preſentation by queen Elizabeth, in right of her duchy of Lancaſter (after the diſſolution of the priory of Coniſhead).

In 1594, upon the death of the ſaid Robert Corney, a caveat was entred by Gerard Lowther eſquire, high ſheriff of the county of Cumberland, in claim of the right of preſentation of Sir John Puckering lord keeper of the great ſeal. But in about a fortnight after, the biſhop granted inſtitution to *Henry Atkinſon*, M. A. preſented as before by queen Elizabeth in right of her duchy of Lancaſter.

In 1595, Mr. Atkinſon being dead, *John Corney*, M. A. was inſtituted on a preſentation in the ſame form as before by queen Elizabeth.

During the incumbency of this John Corney, the rectory and advowſon were purchaſed of the crown, by Francis Morice of the city of Weſtminſter eſquire, and Francis Phelips of the city of London gentleman (who purchaſed divers other rectories, for the ſake of making an advantage in ſelling them again). They ſold the rectory and advowſon of the pariſh of Orton, in the year 1618, to the ſaid John Corney, Edmund Branthwaite, and Philip Winſter, for the ſum of 570*l*, in truſt for the land owners within the pariſh; and theſe three conveyed to 12 feoffees in truſt, to preſent upon an avoidance ſuch perſon to the vicarage, as ſhall be choſen by a majority of the land owners at a meeting to be appointed by the ſaid feoffees within three months next after the avoidance; and in truſt, when the number ſhall be reduced, to convey to other feoffees to be choſen by ſuch majority as aforeſaid. And ſo it ſtill continues.

Nevertheleſs, notwithſtanding the ſaid purchaſe, in the year 1637, a caveat was entred by one Edward Newburgh, claiming to be called on the death or reſignation of John Corney. And in 1639, a like caveat was entred (Mr. Corney being not yet dead) by Thomas Barlow, M. A. Edward Birkbeck, and others, on behalf of themſelves and other pariſhioners, claiming right of preſentation.

In 1643, Mr. Corney being then dead, and the living vacant, the pariſhioners renewed the caveat laſt mentioned; but the biſhop's regiſter book, and epiſcopacy, failing here (ſays biſhop Nicolſon), we cannot hence learn the iſſue.

The event was this: The civil wars then raging, each party attempted to have a vicar of their own ſide. Some few of the inhabitants, who were of the parliament party, took upon themſelves of their own accord (without any election or application to the feoffees in truſt), to preſent one *Alexander Fetherſtonhaugh*,

ſtonhaugh, a chaplain in the parliament army; who obtained inſtitution: but the pariſh by force kept him out of poſſeſſion.

The marquis of Newcaſtle, who commanded the king's majeſty's forces in the northern parts, recommended one Mr. *Lowther* then in Ireland.

The land owners, according to the rule eſtabliſhed amongſt them, elected one *George Fothergill*, and the feoffees preſented him accordingly to the biſhop for inſtitution. And at the ſame time they excuſed themſelves to the marquis of Newcaſtle, purging themſelves of a charge of diſaffection which had been imputed to them, and beſeeching his excellency, that the election which they had duly made might ſtand firm and unalterable, notwithſtanding his excellency's commendatory letters in behalf of Mr. Lowther.

The biſhop not giving inſtitution to their preſentee, they ſent to him a meſſenger, with a letter, which ſhews ſomewhat the ſpirit of the times, and the contempt into which the epiſcopal office had then fallen. They addreſs his lordſhip (or rather, his *grace*, for archbiſhop Uſher then held the ſee of Carliſle in *commendam)* thus, "May it pleaſe you, Sir."—And after expreſſing their wonder, that notwithſtanding Mr. Fothergill had waited on the biſhop, with a preſentation in form, the biſhop had not admitted him but inſtituted another, they intreat him either to inſtitute Mr. Fothergill, or to ſend anſwer by the bearer why he refuſed; "that ſo (ſay they) we may take ſuch further courſe, as *law and preſent authority* ſhall afford."

But the biſhop having inſtituted Mr. Fetherſtonhaugh as aforeſaid, the pariſh filed their bill in equity, and at length Mr. *George Fothergill* became eſtabliſhed on the election of the land owners as aforeſaid. In 1662, he was ejected for not complying with the act of uniformity; but afterwards conformed, and was preſented to the living of Worſop in Nottinghamſhire.

On this vacancy, *Roger Kenyon* was elected, and thereupon preſented by the feoffees. He died in 1703, at the age of 85; having been married to his wife (who ſurvived him) 60 years.

On the death of Roger Kenyon, *Thomas Nelſon*, M. A. was elected and preſented as before, and inſtituted thereupon.

In 1736, on the death of Thomas Nelſon, *Richard Burn*, A. B. was elected, preſented, and inſtituted in like manner. He was born at Winton in this county, and educated at Queen's college in the univerſity of Oxford, which univerſity afterwards conferred upon him the honorary degree of Doctor of laws. He was author of two books, one on the office of a Juſtice of the peace, the other on Eccleſiaſtical law. He was one of his majeſty's juſtices of the peace for the counties of Weſtmorland and Cumberland, and was made by biſhop Lyttelton chancellor of the dioceſe of Carliſle.

The *church* is a large old building, with a tower ſteeple, and four pretty large bells. They were caſt at Nottingham, by John Wolley bell-founder, in the 21 Hen. 8. For which he had (carriage included) 76*l*, by the hands of Thomas Blenkinſop, Lancelot Lancaſter, Lancelot Lowther, eſquires, John Thornborrow, Rowland Thornborrow, and Oliver Croſby, yeomen, in the

the name of all the parishioners: The bass bell to be like in sound to the third bell of the abbey of Shap, and the other three solemn and sweet consonant thereunto. As appears by an indenture bearing date the fourth of April in that year. But the bells have all or most of them been since re-cast.

The people come regularly to church, five, six, or seven miles, every Sunday. And the modern practice of appropriating seats hath not yet obtained in this church. All the seats, except the vicar's, are repaired at the public expence; and no one of the parishioners hath a right to any particular seat. The contrary practice is extremely full of inconvenience in many places; particularly in the metropolis, where one may frequently see most of the congregation standing in the alleys, whilst the pews are locked up, the owners thereof being in the country, or perhaps in bed.

The *vicarage house* is much improved by the present incumbent; who hath lived to see wood of his own planting grown up to shelter it, which it stood much in need of.

There are two *schools* in the parish. One at *Tebay*, founded by Robert Adamson of Blacket Bottom in Grayrigg gentleman, in the year 1672, and endowed by him with the estates called Ormondie Bigging and Blacket Bottom of the clear yearly value of about 24*l.*

The other school is at *Greenholme*, founded by George Gibson of the same place gentleman, in the year 1733, and endowed by him with 400*l* original Bank stock, worth now yearly about 22*l.*

II. MANOR OF ORTON.

The first lord of the manor of whom we have any account, was the aforesaid *Gamel de Penigton* (for such, most probably, he was), who gave the church to the priory of Conishead as aforesaid in the reign of king Henry the second. The churches were most commonly appendant to the manors. And that this family had considerable possessions at Orton, appears not only from what hath been already observed, but also from an ancient grant without date, by *Alan* son of *Alan* son of *Benedict de Penigton* to his uncle *Simon* son of the said *Benedict*, of all that moiety of *Keldelith* (including one capital messuage and tenement called The Raine), to hold to him and his heirs by the payment of 2*s* rent yearly for all services and demands; doing for the same to the king foreign service as much as appertaineth: Witnesses of which grant were, Ralph de Beethom, Gilbert de Croft, Michael de Furneis, Robert de Bonville, William son of Waldeve, Simon de Cartmell, Alan son of Orme, Alan son of Gilbert, Walter de Mulcaster, David his brother, Thomas prior of Conishead, Alan parson of Pulton, T. parson of Heversham, Adam chaplain of Oldinham, T. chaplain of Ulverston, R. chaplain of Kirkby, and others.

Note, *Keldelith* is what is now by contraction called *Kelleth*; and is derived of two Saxon words, *keld* which signifies a well or spring, and *lyth* which signifies

nifies light or ſoft. There is a ſtream near Kendal called *Light-water*, of the ſame import.

In our next account of the manor, it appears to be divided into moieties, ſo early as the reign of king Edward the firſt, whether by daughters coheirs, or by purchaſe, or how otherwiſe, we have not found. In the 6 Ed. 1. we find clearly the manor of Orton in the hands of the *Dacres* of Dacre in Cumberland, and the *Muſgraves* of Muſgrave in this county. For in that year, *Ranulph de Dacre* obtained a grant to himſelf and his heirs, as alſo to *Thomas Muſgrave* and his heirs, of a market on the Wedneſday every week, and a fair yearly on the eve, day, and morrow of the apoſtles Simon and Jude *at their manor of Overton*; and from henceforward it continued divided into moieties, until the whole became united again by purchaſe of the inhabitants from the ſeveral owners of the reſpective moieties. The *Dacre* moiety continued intire; but the *Muſgrave* moiety became further divided. Theſe moieties were not ſeparated by metes and bounds, but the owner of each moiety had tenants interſperſed throughout the whole manor, and the diviſion appears to have been made according to the reſpective quantities of the lord's rents. But for eaſe and convenience this manor of very ancient time was divided into two townſhips or conſtablewicks, now known by the names of *Orton Lordſhip* and *Raiſbeck Lordſhip*; and the diviſion was as follows: "As a certain ſyke be-"tween Overton and the hamlet of Rayſſebeck runs through the middle of "Freermire down into the Bibeck, and by the middle of the Bibeck down "into the water of Tybay, and ſo going up the middle of the water of Tybay "to the Scoddigate of Hanſkew as Boudirdal beck falls into Tybay. And ſo "going up by the boundaries of Rauſtindall, Croſſeby Gerard, and Little "Aſkeby, and the aforeſaid hamlet of Rayſſebeck in the vill of Overton "aforeſaid, to the top of the Sker, by the right metes and boundaries between "Great Aſkeby and the Grange thereof and the aforeſaid hamlet unto the "Hundehow, and ſo going down from the Hundehow by the neareſt way into "the aforeſaid ſike, running through the middle of Freermire. Witneſſes of "which diviſion were Sir Michael de Harclay, and Sir John de Roſſgill, "knights; John de Helton, Richard de Warthecopp, Henry de Warthecopp, "Alan de Keldelyth, Robert ſon of Thomas de Langdall, and others*."— The firſt of which witneſſes is known to have lived in the latter end of the reign of king Henry the third, and the former part of the reign of king Edward the firſt.

There are four other lordſhips in the pariſh, *viz.* of *Langdale*, *Tebay*, *Bretherdale*, and *Birkbeck Fells*, part of which laſt is in the pariſh of Croſby Ravenſworth.

(1) *Of the* DACRE *moiety of the manor of Orton.*

After *Ranulph de Dacre* aforeſaid, who obtained the charter for the market, we find by an inquiſition in the 3 Ed. 2. concerning the free tenants in Weſt-

* Copied by the reverend Thomas Machel from the writings then in the poſſeſſion of Edward Birkbeck of Coatflat-hall gentleman.

morland

morland who held by cornage tenure, that *William de Dacre*, ſon of the ſaid *Ranulph*, then held a moiety of the manor of Overton.

Again, in the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *William de Dacre* held of the ſaid Robert, on the day on which he died, a moiety of the manor of Overton, and a moiety alſo of the manor of Waitby; by homage and fealty, and 12*s* 6*d* cornage: And that the wardſhip thereof, when it ſhould happen, was worth by the year 40*l*.

In the 43 Ed. 3. on an inquiſition of tenants holding in free tenancy of Roger de Clifford, the jurors find, that *John de Dacre* held the manor, (as it is there called) of Overton-Dacre, by the cornage of 5*s* 1*d*.

In the 15 Ric. 2. after the death of the ſaid Roger, the inquiſition finds, that *William de Dacre* held a moiety of the manor of Overton, by homage and fealty, and cornage 5*s* 1*d*.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that Elizabeth mother of the ſaid John held in dower the rents and ſervices of divers tenants; and amongſt the reſt, of *Thomas Dacre* knight, for the manor of Overton.

In the 17 Hen. 6. the ſaid Sir *Thomas Dacre*, lord of Gilleſland, made a ſettlement of his eſtate at Overton.

In the 7 Hen. 7. the inquiſition after the death of *Humphrey de Dacre* finds, that the ſaid *Humphrey* held (amongſt other particulars) jointly with Mabel his wife, to him and the heirs of his body, a moiety of the manor of Overton.

And by an inquiſition in the 19 Hen. 7. the jurors find, that *Humphrey Dacre* lord of Dacre was ſeiſed in his demeſne as of fee, of and in a moiety of the manor of Overton, with the appurtenances; and that the ſaid moiety was holden of the king *in capite* by knights ſervice, and 12*s* 6*d* cornage; and by the ſervice of doing ſuit at the county court of the ſaid lord the king from month to month at his caſtle of Appleby: And that the ſaid Humphrey died ſeiſed thereof on the firſt day of Auguſt in the 6th year of the reign of the ſaid king Henry the ſeventh; and that *Thomas Dacre*, then 16 years of age, was ſon and heir of the ſaid *Humphrey*.

The ſaid *Thomas* lord Dacre had a ſon *William*, who in the 18 Hen. 8. (as appears by inquiſition) held of Henry earl of Cumberland a moiety of Overton, by the cornage of 5*s* 1*d*; owing alſo to the ſaid earl for the ſame, wardſhip, marriage, and relief, and ſuit to the county court.

The ſaid *William* lord *Dacre* had a ſon *Thomas*; who had a ſon *George*, who died without iſſue; whoſe two ſurviving ſiſters and heirs were married to *Philip* earl of *Arundel* and the lord *William Howard*, both of them ſons of Thomas duke of Norfolk.

And in the 12th year of king James the firſt, *Anne* counteſs dowager of *Arundel* (her huſband *Philip* earl of *Arundel* being then dead), *Thomas* earl of *Arundel* her ſon, the lord *William Howard* of Naward and the lady *Elizabeth* his wife, *John Cornewallis* of Sohom in the county of Suſſex eſquire, and *Robert Cansfield* of London eſquire, (which two laſt were leſſees of the crown of the Dacre eſtates, being then under an eſcheat by the attainder of the heirs male

of the Dacres upon occaſion of the affair of Mary queen of Scots) in conſideration of the ſum of 1840*l* 5*s* 10½*d*, conveyed to Edmund Branthwaite gentleman, Thomas Birkbeck, James Birkbeck, and Thomas Powley, yeomen, (in truſt for themſelves and the reſt of the tenants) the ſaid moiety of the manor of Overton, and alſo the moiety of two water corn milns, parcel of the ſaid moiety, and the ſeveral tenements following; to wit, fifteen tenements in Orton, two at Chapel, three at Streethouſe and Scarſide, ſeven at Raiſbeck, four at Sunbiggin, five at Kelleth, Coatgill, and Langdale, two at Tebay, one at Rounthwaite, nine at Coatflat, five at Scales, three at Bousfield, and three at Park *, of the yearly finable arbitrary rent in the whole of 28*l* 18*s* 9½*d*, with ſome ſmall quantities of free rent.—Except and reſerving eight acres of land of the yearly rent of 8*s* in Kelleth, then in the tenure of Philip Hewetſon; and a yearly rent of 2*s* then paid by one Gilbert Atkinſon of Howgill for freeledge of common upon Eaſt Grain and Middle Grain in Langdale fells, which had then for time immemorial been paid as part of or appurtenant to the ſaid moiety; and except one ſheep heath upon Langdale fells, holden of the then Philip lord Wharton, under the yearly rent of 8*s*.

(2) *Of the* MUSGRAVE *moiety of the manor of Orton.*

Next after *Thomas de Muſgrave* aforeſaid, who lived in the reign of king Edward the firſt, we find *Richard de Muſgrave* holding a moiety of the manor of Overton, together with the manors of Croſby Gerard and Little Muſgrave; whilſt at the ſame time *Thomas de Muſgrave*, then a minor, held the manor of Great Muſgrave. So that this *Richard* muſt have been of a collateral branch of the family, probably uncle of the ſaid minor. This *Richard de Muſgrave* ſold part of this moiety in the 29 Ed. 1. to *Adam de Henecaſtre*, with whoſe daughter *Avicia* the ſame came in marriage to Sir *Thomas de Helbeck*; and by marriage of the heireſs of *Helbeck*, both that and the manor of Helbeck came to the *Blenkinſops*.

In the 19 Ric. 2. *Thomas de Blenkinſop* of Helbeck ſettled upon his ſon William and Maud his wife upon their marriage, half of his demeſne in the village of Overton, with one place in the ſaid village called Raſegill-hall, with 16 tenements there in the hands of tenants at will, reſerving to himſelf the mill and moulter.

In the 33 Hen. 6. another *Thomas Blenkinſop* of Helbeck (for there were fourteen generations of Blenkinſops at Helbeck, and ten of them of the name of Thomas) had, upon his marriage with his wife Katharine, ſettled on the iſſue of the ſaid marriage, all the lands aforeſaid at Overton, together with certain lands in the village of Tebay: William Birkbeck vicar of Overton, and Richard Warton chaplain, being truſtees in the ſettlement.

* This account of the particulars is taken from a rental of George lord Dacre, when under the guardianſhip of Thomas duke of Norfolk.

In

In the 10 Ed. 4. another *Thomas Blenkinſop* appears by inquiſition to have been ſeiſed of the ſaid moiety; his ſon *Thomas* then being 33 years of age.

In the 24 Hen. 8. *Thomas Blenkinſop* of Helbeck eſquire, on his going to ſerve the king's majeſty againſt the Scots, made his will, and thereby conſtituted his brother Richard Blenkinſop, and his two uncles George, and John (a prieſt), together with his couſin Sir Richard Leigh prieſt, truſtees of his moiety of the manor of Overton, to take up the rents thereof, which were 13 *l* or thereabouts, to be employed to the beſt advantage towards the uſe of his daughters, for ſo many of them as ſhould come to years.

In the 14th year of queen Elizabeth, *Thomas Blenkinſop* of Helbeck gentleman, ſon and heir of Thomas, had livery of his lands from the court of wards; and, amongſt other particulars, were, half of a water mill, and 29 meſſuages in Coteflat, Gaiſgill, Tebay, Ellergill, Langdale, and Flakebrigg; beſides other ten held in ſocage, by fealty and rent of one pepper-corn.

The laſt of the Blenkinſops who held this moiety, was *Thomas Blenkinſop* of Helbeck eſquire, ſon of *Henry*, who in the year 1630, together with Anne his wife and Elizabeth his mother, for the ſum of 565 *l*, ſold the ſame to truſtees for the uſe of the tenants; conſiſting of ſeventeen tenements in Raiſbeck, eight in Sunbiggin, ſeven in Kelleth, three at Raiſgill-hall, and five at Coatflat; of the yearly finable arbitrary rent of 11 *l* 18 *s* 5¼ *d*, and 4 *s* 9 *d* mill rent: reſerving the water mill at Coatflat, valued at 40 *s* a year. It appears they were papiſts; for there was a covenant of indemnity for the ſum of 20 *l* a month, or two thirds of the profits of the lands, to be forfeited for their recuſancy in not reſorting to church.

The other ſhare of the *Muſgrave* moiety appears to have been in the hands of the WARCOPS of Smardale. The laſt of whom, *viz. Thomas Warcop* of Smardale eſquire had two daughters coheirs, married to *John Dalſton* of Dalſton in Cumberland eſquire, and *Talbot Bowes* of Egleſton abbey in the county of York eſquire; who in the 34 Eliz. for the ſum of 400 *l*, ſold their moiety (as it is called) of the manor of Overton to *George Birkbeck* and *Robert Whitehead* of Orton and *George Sharp* of Scales; conſiſting of one moiety of Raiſgill-hall mill, and 56 tenements of the yearly finable arbitrary rent of 10 *l* 16 *s* 6 *d*.

The ſaid three purchaſers conveyed to *Edward Branthwaite*, *Oliver Birkbeck*, and *Roger Ward*, in truſt to reconvey to them their ſeveral ſhares agreed on; of whom, *George Birkbeck* had (beſides his own eſtate) 32 tenants, in Orton, Bousfield, and elſewhere within the manor, together with the moiety of the mill; *Robert Whitehead*, 11 tenants; and *George Sharp*, 6; with a rateable part of the waſtes, and other manerial rights. All the three purchaſers, or their heirs or aſſigns, in proceſs of time, have ſold moſt of the reſpective tenements to freehold. And the whole manor is now become reunited in the hands of the freehold purchaſers; and is conveyed from time to time to lords of the manor in truſt, for the ſake of keeping courts leet and baron for the convenience of the tenants.

The *market* at Orton, by the charter of king Edward the firſt, was to be on Wedneſday*; which charter, in the year 1655, was confirmed by Oliver Cromwell. And in 1678, the ſaid Oliver, lord protector of the commonwealth, reciting a writ of *ad quod damnum* iſſued, and an inquiſition thereupon taken before Anne lady Clifford counteſs of Pembroke and Montgomery, Sheriffeſs of the county of Weſtmorland, grants to the inhabitants of the town of Overton and their ſucceſſors, licence and power to hold within the ſaid town one fair yearly upon Friday before Whitſunweek, and alſo a fair in every fortnight; the firſt of the ſaid fairs to begin on Wedneſday next after Whitſunweek, and to continue till the day of Simon and Jude following; with a court of pypowders, and power to take tolls. The ſeal is about ſix inches in diameter. On one ſide are the arms of the commonwealth, with this motto underneath, *Pax quæritur bello:* And circumſcribed, *Magnum ſigillum Reipublicæ Angliæ, Scotiæ, et Hiberniæ, &c.* On the reverſe, Oliver in armour on horſeback, and circumſcribed thus, *Olivarius, Dei Gratia, Reipublicæ Angliæ, Scotiæ, et Hiberniæ Protector.* And Oliver's *Friday* fair, has by uſage transferred the fortnight fairs, and even the market alſo, to *Friday*; on which day the market is now kept weekly.

It is not certain where the ancient *manor houſe* of Orton ſtood. It ſeems to have been near to the church, on the ſouth ſide thereof, where are ruins to be ſeen of old buildings: And the hill aſcending to the church on that ſide is to this day called Hall-hill brow.

Raiſgill hall, ſituate on the rivulet called Raiſbeck, nigh where it falls into the river Lune, is the houſe where the Blenkinſops kept their courts; but they always inhabited at Helbeck.

About a mile ſouth eaſt from Sunbiggin in this manor is a lake called *Sunbiggin Tarn*, furniſhed (beſides eels) with a red trout not unlike char: Where wild ducks alſo frequent and breed. The moors are generally furniſhed with *grouſe* or moor game. And Orton fear is famed for *dotterels*.

Upon the higheſt part of Orton fear is the *beacon*, which hath been a building about three yards long within, and two yards and an half wide. It com-

* Rex archiepiſcopis, &c. ſalutem. Sciatis nos conceſſiſſe et hac charta noſtra confirmaſſe, dilecto et fideli noſtro Ranulpho de Dacre, quod ipſe et hæredes ſui et dilectus et fidelis noſter Thomas de Muſgrave et hæredes ſui, imperpetuum habeant unum mercatum, apud manerium ſuum de Overton, in comitatu Weſmorlandiæ, ſingulis ſeptimanis per diem Mercurii, et unam feriam ibidem ſingulis annis per tres dies duraturam, videlicet, in vigilia, et in die, et in craſtino feſti apoſtolorum Simonis et Judæ, niſi mercatum illud et feria illa ſint ad nocumentum vicinorum mercatorum, et vicinarum feriarum. Quare volumus et firmiter præcipimus, pro nobis et hæredibus noſtris, quod prædicti Ranulphus et Thomas, et eorum hæredes, imperpetuum habeant unum mercatum apud manerium ſuum prædictum, ſingulis ſeptimanis per diem Mercurii, et unam feriam ibidem ſingulis annis per tres dies duraturam, videlicet, in vigilia, in die, et in craſtino feſti apoſtolorum Simonis et Judæ, cum omnibus libertatibus et liberis conſuetudinibus ad hujuſmodi mercatum et feriam pertinentibus, niſi mercatum illud et feria illa ſint ad nocumentum vicinorum mercatorum et vicinarum feriarum, ſicut prædictum eſt. Hiis teſtibus, &c. Data per manum noſtram apud turrim London' nono die Januarii.

municates

municates with the beacons of Penrith, Stanemore, and Whinfell (in the barony of Kendal). And by means of theſe beacons, when watches were kept up, intelligence might be conveyed thirty or forty miles in a few minutes.

Behind the ſcar, oppoſite to Raiſbeck, about half a mile on the eaſt ſide of the way as one goeth towards Aſby, is a place called *Caſtle Folds*, in a ſituation exceeding well contrived, whereunto to draw their cattle in caſe of a ſudden inroad of the Scots, of which notice was immediately communicated by the beacons. In which place the cattle would be ſecure, until upon the alarm given, the country might riſe againſt the invaders. It is in a ſolitary place, not likely to be ſought after or found, and ſituate in a large tract of naked rocks, the ſoil being waſhed off by the rains, and not eaſily acceſſible. The place hath been ſtrongly walled about, and contains an area of about an acre and a half; and at the higheſt corner there hath been a fort, about ſeven yards ſquare within, by way of ſhelter for the keepers, and as a kind of citadel to retire to, if the outworks ſhould be taken.

Nigh Raiſgill hall, there is a tumulus, or Britiſh ſepulchre, in a regular circle near 100 yards in circumference, riſing gradually from the extremity to about the height of three yards in the middle. It is compoſed of looſe ſtones thrown together promiſcuouſly; and in digging lately was found one very large ſtone ſupported by one other large ſtone on each ſide; and underneath the ſame was an human ſkeleton, with the bones of ſeveral others round about.

III. LANGDALE.

LANGDALE carries its own derivation along with it. This manor was never held of the Cliffords; for it was granted away before by king Henry the ſecond, and confirmed by king John *, to the priory of Watton in Yorkſhire.

In the 36 Hen. 3. there was a grant of free warren in Watton and Stancton in Yorkſhire, and in Ravenſtondale and Langedale in Weſtmorland, to the ſaid priory.

* Johannes Dei gratia, &c. Sciatis nos conceſſiſſe, et hac charta noſtra confirmaſſe Deo et Sanctimonialibus de Watton, in puram et perpetuam eleemoſynam, totam Langedale, cum omnibus pertinentiis ſuis, et totam terram et paſturam inter ipſam Langedale et Burtreſdale bec, ſicut aquæ qua vocatur Tybbey deſcendit; ad faciendum inde omnem voluntatem ſuam, pro ſalute noſtra, et pro animabus omnium anteceſſorum noſtrorum. Quare volumus et firmiter præcipimus, quod prædicti Sanctimoniales totam terram illam habeant et teneant, et paſturam, bene et in pace, libere et quiete, integre, plenarie, et honorifice, in boſco et plano, in pratis et paſturis, in aquis et molendinis, in viis et ſemitis, et in omnibus aliis locis, et aliis rebus ad eas pertinentibus, et cum libertatibus et liberis conſuetudinibus ſuis, ſicut charta regis Henrici patris noſtri rationabiliter teſtatur. Teſtibus, Guillelmo Filio Petri Comite Eſſexiæ, Hugone Bardolf, Willielmo de Stuteville, &c. Datum per manus S. Wellenſis Archidiaconi, et J. de Gray, apud Doncaſtriam 28° die Martii anno regni noſtri primo. 2 *Dugd. Mon.* 801.

After the diſſolution of the monaſteries, this manor was granted to the Wharton family; and, together with other of the Wharton eſtates, was purchaſed in the late duke of Wharton's time, by Robert Lowther of Maulds Meburn eſquire, whoſe ſon and heir Sir James Lowther baronet now enjoys the ſame.

IV. TEBAY.

The manor of TEBAY comprehends the vills of *Ellergill*, *Gaiſgill*, *Tebay*, *Rounthwaite*, and *Borrowdale*.

In the reign of king Edward the ſecond, there was one *William de* ELLERGILL, who conveyed a capital meſſuage at Ellergill (which poſſibly may have been the ancient manor houſe) to Richard de Blenkinſop, the firſt of that name and family at Helbeck.

And about the ſame time, Richard ſon of *Robert de* GAISGILL conveyed to the ſaid Richard de Blenkinſop divers lands and tenements there. And theſe made part of the Blenkinſops' eſtate in this pariſh, though not in the manor of Orton.

Of very early time, one *Radulph de* TYBAI was witneſs to a grant of lands at Kirkby Thore, to the abbey of Holm Cultram.

After him there was one *Herbert de Tibbay* who had lands at Tebay, but not the manor, at leaſt not all of it; for it ſeems to have been parcelled out amongſt ſeveral owners. The family of *Haſtings* of Croſby Ravenſworth had part. So had the family of *Engliſh* of Little Aſby. And a ſmall part was held under the Veteriponts and Cliffords, by the rent of 5*s* for all ſervices.

In the 2 Joh. Geoffrey Fitz Peter and Roger de Bellocampo, ſheriffs of Weſtmorland, accounted in the exchequer for 100 marks, paid by *Herbert de Tibbay*, *Robert* his ſon, and *Hugh de Haſtings*, for lands in Tibbay.

In the 2 Hen. 3. Hugh de Haſtings had a grant of free warren in Tibbay and Croſby.

In the 31 Ed. 1. and again in the 14 Ed. 2. *Henry Threlkeld* (of Croſby Ravenſworth) had a grant of free warren in Tebay and Rounthwaite.

And in the 12 Ed. 3. *William Engliſh* had a like grant of free warren, with licence to impark 100 acres of land there.

In the 15th year of the ſame king, a fine was paſſed in the exchequer of the manors of Tibbay and Runthwaite; to hold to *William Engliſh* knight for life, remainder to *William* his ſon and the heirs male of his body, remainder to his ſiſter Julian in fee.

In the 3 Ed. 2. the heir of *Thomas de Haſtings* held of Robert de Clifford two carucates of land in Tybay, by the rent of 5*s*.

So in the 15 Ric. 2. after the death of Roger de Clifford, *Richard de Reſtwold* and *William de Querton* held divers lands in Tibay, by the rent of 5*s* for all ſervices.

In

In like manner in the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that *Henry de Wherton* and *Richard Riſtwould* held of the ſaid John, on the day on which he died, lands and tenements in Tybay, by fealty and the rent of 5 *s.*

This *Henry de Wherton* was then lord of the manor of Wharton, and lived at Wharton hall. How the *Whartons* came to the whole manor of Tebay, we have not found. The ſame came from the *Whartons* to the *Lowthers* as aforeſaid, in which family it ſtill continues.

At a ſmall diſtance from the village of Tebay northwards, in a place called Caſtle-green, is part of a round mount, with a trench on the outſide, called *Caſtle-how*; part of it hath been waſhed away by the river Lune. Oppoſite to which, is another hill called *Caſtle-how* nigh Greenholme on the ſouth-weſt ſide of the river Birkbeck. They ſeem to have been uſed for batteries, to command the paſſes in both places.

In the 7 Hen. 7. *Humphrey de Dacre* died ſeiſed of lands in ROUNTHWAITE. And the *Dacres* and *Blenkinſops* had ſome poſſeſſions alſo in *Tebay*. This ſeems to be the reaſon why ſome part of the land tax hath been paid all along from theſe places into the manor of Orton. For generally, in aſſeſſments to the ſubſidies (to which the land tax ſucceeded), where a man's eſtate lay in ſeveral contiguous townſhips, he was rated for the whole in the diviſion where he inhabited, or where the main part of his eſtate lay. And the annual land tax acts ſtill provide, that every place ſhall pay in that diviſion where it paid in the 3 and 4 W. and Mary, when the land tax firſt commenced.

BORROWDALE hath its name from the river Borrow, which empties itſelf into Lune at Borrow-bridge. On the South, about 100 paces from the bridge, but within the pariſh of Kendal, are the ruins of a caſtle, which hath been moated about, and from the thickneſs and ſtrong cement of the walls yet remaining, ſeems to have been a place of conſiderable ſtrength. It is moſt advantageouſly ſituated, to command the whole paſſage through the mountains there.

V. BRETHERDALE.

BRETHERDALE is commonly ſaid to have had its name from three brothers who inhabited there ſome 200 years ago. But that is only an imagination. It had this name long before; or rather, the name whereof this is a corruption, and ſufficiently indicates its own derivation, namely, *Brere* (*i. e.* Brier) *dale*. And the countenance of the place to this day is correſpondent thereunto. Therefore the two other brothers ſhould be *Hepp* and *Sleagill*.

This place belonged to the abbey of Byland (de Bellalanda) in Yorkſhire; being probably given to the ſame by the aforeſaid Thomas ſon of Coſpatric.

In the reign of king Edward the firſt, we find the abbot de Bellalanda holding of the two daughters of the laſt Robert de Veteripont, Aſby Grange and Breredale, by the rent of 31 *s* 11$\frac{1}{4}$ *d* for all ſervices.

In the 31 Hen. 6. the ſaid abbot held of Thomas de Clifford a certain paſture called Breredale, paying for the ſame a white rent [*de alba firmi*] of 5*s* for all ſervices.

In the 18 Hen. 8. the ſaid abbot held of Henry earl of Cumberland a certain paſture called Bretherdale, in ſocage; and paid yearly for the ſame 5*s*.

After the diſſolution of the monaſteries, the *Whartons* purchaſed this manor, which is now in the family of Lowther, as the others before.

VI. BIRKBECK FELLS.

The lordſhip of BIRKBECK FELLS is within the *manor* of Croſby Ravenſworth, and part of it alſo within the *pariſh* of Croſby Ravenſworth, where it is treated of more at large.

Moſt of the pariſh of Orton is in the Eaſt Ward; but Birkbeck Fells is in the Weſt Ward; and a ſmall part of the pariſh, namely, ſo much thereof as is in Fauſide Foreſt is in Kendal Ward.

PARISH OF CROSBY RAVENSWORTH.

I. *Pariſh of Croſby Ravenſworth.*
II. *Manor of Croſby Ravenſworth.*
III. *Manor of Mauld's Meburn.*
IV. *Manor of Regill.*

I. PARISH OF CROSBY RAVENSWORTH.

THERE are many places of the name of CROSBY, which imports no more than *Croſs-town*, or church town: And they are commonly diſtinguiſhed by ſome additional deſcription; which from vulgar pronunciation, and ignorance of languages and etymology in former ages, have been variouſly written. Amongſt all the variations of the additional name of this place, that of *Ravenſworth* is the moſt unlikely to be the true one. It was never anciently written *Ravenſworth*, nor is it eaſy to conjecture, from whence that termination could ariſe. *Ravens*, at ſuch a place, are eaſily accounted for. It was moſt frequently written *Ravenſwath*, as if ſo called from ſome ford there before the erection of the bridge: ſometimes *Ravenſwart*, and *Ravenſthwaite*; unto which laſt, the ſituation of the place ſeemeth well to accord; for *thwaite* ſignifies a level ground incloſed with hills or wood: Hence the words *Brackenthwaite*, *Sievythwaite*, *Rounthwaite*, *Oxenthwaite*, and the like. The common people pronounce it *Ravenſide*, which in ſound comes neareſt to *Ravenſthwaite*.

And

And there hath been a family from very ancient time at this place of the name of *Thwaite.*

This pariſh is bounded on the Eaſt by the pariſhes of St. Laurence Appleby, and Aſby; on the South, by the pariſhes of Aſby and Orton; on the Weſt, by the pariſhes of Orton and Shap; and on the North, by the pariſhes of Shap and Morland: and contains about 158 families, all of the church of England.

It is not very certain, to whom this church was dedicated. According to the account of *Randall Sanderſon*, M. A. who was born in this pariſh, it was dedicated to St. Laurence. The reverend Thomas Machel ſays, it was dedicated to St. Leonard; whether this might be confounded with the hoſpital of St. Leonard at York, which had lands here, cannot without further evidence be aſcertained.

It is a vicarage, valued in the king's books at 7*l* 13*s* 4*d*. The clear yearly value, as certified to the governors of queen Anne's bounty, 35*l* 12*s* 7*d*. In 1721, Colonel James Grahme gave 200*l*, which with 200*l* given by the governors of queen Anne's bounty was laid out in lands at Lazingby, of the preſent yearly value of 20*l*.

Torfin de Alverſtain, ſon of *Uſred*, ſon of *Goſpatric*, gave this church, with two carucates and 140 acres of land at this place, to the abbey of Whitby in Yorkſhire. Whoſe grant was confirmed by *Alan* ſon of *Torphin*, about the 20 Hen. 2. and by *Thomas de Haſtings* ſon of *Thomas de Haſtings* and grandſon of the ſaid *Alan*; and alſo by Athelwald firſt biſhop of Carliſle, by Robert archdeacon of the ſame ſee, and by Roger archbiſhop of York. And the ſame was afterwards appropriated to the ſaid abbey, by Bernard biſhop of Carliſle, reſerving out of the profits thereof 5*l* for a vicar to celebrate therein. Which alſo was confirmed by ſeveral ſucceeding biſhops, and by the popes Gregory the ninth and Honorius the third. Walter biſhop of Carliſle afterwards conſtituted a perpetual vicar therein, and allotted to him the altarage, and 20 acres of land with two tofts, paying to the monks of Whitby twenty ſhillings *per annum*; and they were alſo to have the tithe of wool and lamb of the whole pariſh, with two parts of the tithe hay of the whole village of Meburn: The vicar to bear all ordinary burdens, ſynodals, and archidiaconal procurations; and the abbey the extraordinary.—And the ſaid *Thomas* ſon of *Thomas de Haſtings* freed the monks and their tenants from ſuit to his mill there, and gave them leave to grind their corn where they thought beſt *.

The priory of Wetheral (under the abbey of St. Mary's York) had alſo ſome poſſeſſions in this pariſh, given by *Ranulph de Meſchines*; and this church paid a penſion of 3*l* 6*s* 8*d* yearly to the ſaid abbey, which ſince the diſſolution of monaſteries is paid to the dean and chapter of Carliſle.

After the diſſolution, the rectory and advowſon were purchaſed by the *Bellinghams* of Levins and Garthorne; which, together with the family eſtate of the Bellinghams, were ſold by *Alan Bellingham* eſquire to the aforeſaid colonel *James Grahme*; with whoſe daughter and ſole heir *Catharine*, the ſame went by

* Burton's Monaſticon Eboracenſe, 71, 2.

marriage

marriage to *Henry Bowes Howard* earl of Berkſhire; who ſold the rectory to the *Lowther* family; but the advowſon continues in the hands of *Henry* now earl of Suffolk and Berkſhire, grandſon and heir of the ſaid *Henry Bowes*.

There is a tradition of a friery having been here, adjoining to the north ſide of the churchyard. And there ſeems to be ſome remembrances of it, in the names of Monk garth, Monks barn, and Monks bridge. It might perhaps be ſome ſmall houſe belonging to the ſaid abbey of Whitby, or to ſome other religious houſe; for this pariſh had large connexions with divers other religious houſes. The hoſpital of St. Leonard at York, as aforeſaid, had divers lands here. The whole manor of Regill belonged to the abbey of Shap. And at Maulds Meburn there were lands belonging to four or five different religious ſocieties.

In the year 1303, one *William de Inſula* was vicar of Croſby Ravenſwath; who in that year became bound to the biſhop in the ſum of 10*l*, to reſide upon his benefice, and to live ſoberly and continently.

In 1361, *John de Linton* was vicar; on whoſe death, the abbot and convent of Whitby preſented Sir *Robert de Threlkeld*, who was thereupon inſtituted.

And on the death of the ſaid Sir Robert in the year following, *John de Regill* was inſtituted on the like preſentation.

In the year 1572, biſhop Barnes collated, on a lapſe, Sir *Chriſtopher Witton* clerk, to the ſaid vicarage, being vacant by the neglect of Sir *Roland Thwaits* the laſt incumbent to ſubſcribe the 39 Articles. But he ſeems to have been reſtored. For in 1576, *Thomas Burton*, LL. B. the biſhop's chancellor, gave inſtitution, on the death of *Roland Thwaits*, to *Edward Smyth* clerk, preſented by one Richard Bacon of London, baker; by virtue of a third or fourth aſſignment of a grant made of the next avoidance, by the abbot and convent of Whitby, in the year next before their diſſolution.

In 1597, on the death of the ſaid Edward Smyth, inſtitution was given to *William Willaine*, M. A. on the preſentation of *Thomas Bellingham* of Garthorne gentleman.

In the year 1617, July 24, biſhop Snowden, upon a pretended lapſe, collated *Matthias Braddel*; but afterwards, on the 14th of October in the ſame year, he gave inſtitution to *William Willaine* clerk, preſented by Sir *James Bellingham* knight. (It ſeemeth that this William was ſon of the aforeſaid William, and therefore by the canon law incapacitated to ſucceed his father; and that he had afterwards obtained a diſpenſation.)

In the time of Oliver Cromwell, *William Curwen*, M. A. appears to have been vicar, and by Oliver's commiſſioners ejected; but reſtored on the reſtoration of king Charles the ſecond in 1660 *.

On the death of the ſaid William Curwen in 1685, *William Wilkinſon* clerk was preſented by *Alan Bellingham* eſquire, and inſtituted thereupon.

In 1708, on the death of William Wilkinſon, *James Watſon* clerk was inſtituted on a preſentation by *James Grahme* eſquire.

* Walker's Sufferings of the Clergy, Part ii. p. 226.

In

In 1747, on the death of James Watſon, *George Williamſon* clerk was inſtituted on a preſentation by *Henry Bowes Howard* earl of Suffolk and Berkſhire and *Catherine* his wife (daughter and heir of the ſaid *James Grahme)*.

The *church* is a fair building, having a ſquare ſteeple or tower, with three bells. On the north ſide is an ile, belonging to the hall or ancient manor houſe.—The *churchyard* is a fine piece of *thwaite* or level ground, containing about two acres of land.

Belonging to this pariſh are ſeveral charities.

The reverend *Edward Holme*, M. A. gave 100*l*, which was laid out in lands at Scarſide in the pariſh of Orton; the produce thereof to be diſtributed in two-penny wheaten loaves weekly to poor people reſorting to the church on Sundays.

Edward Thwaites yeoman gave a rent charge of 4*l* 5*s* 0*d* out of Hill tenement; whereof 50*s* to be diſtributed amongſt the poor, 5*s* for a ſermon on the day of diſtribution, 20*s* to the ſchoolmaſter yearly, and 10*s* to buy books for poor ſcholars.

Thomas Addiſon yeoman gave 30*l*, the produce whereof to be diſtributed in penny loaves to poor women of the lordſhip of Croſby Ravenſworth.

They have alſo an ancient poor ſtock, in land or other ſecurities, of 3*l* 17*s* 6*d* yearly, for the poor of the whole pariſh.

And for the poor of the lordſhip of Croſby Ravenſworth ſolely 1*l* 8*s* 4*d*.

For the poor of Regill 4*s* 7*d*.

For the poor of the lordſhip of Maul's Meburn 2*l* 3*s* 8*d*.

John Knott by his will in 1734 gave an eſtate at Maul's Meburn, to the uſe of the poor of the ſaid lordſhip, and to pay 5*l* yearly to the ſchool of Croſby Ravenſworth, and 5*s* yearly for keeping dogs out of the church on Sundays: But after much money ſpent upon the litigated point how far owners of eſtates in the lordſhip and truſtees of the charity could be witneſſes to the will; the matter was at length compromiſed with the heir at law, for the ſum of about 100*l* to the charity.

II. MANOR OF CROSBY RAVENSWORTH.

The firſt lord of this manor of whom we have any account, was the aforeſaid *Torphin de Alverſtain*, who gave the church to the abbey of Whitby, in the reign of king Henry the firſt.

He had a ſon *Alan*, who confirmed his father's grant, in the reign of king Henry the ſecond.

This *Alan* ſon of *Torphin* had a ſon *Thomas de Haſtings*, who alſo had a ſon *Thomas de Haſtings*, who confirmed the ſaid grant as aforeſaid.

The next that we meet with was *Hugh de Haſtings*, who in the 2 Hen. 3. had a grant of free warren in Croſby Ravenſwath and Tibbay.

In the ſame king's reign, *Hugh de Haſtings* appears to have held the manor of Croſby Ravenſwath of John de Veteripont ſon of Robert. He alſo held the manor of Northallerton in Yorkſhire.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Nicolas de Haſtings* held of the ſaid Robert, on the day on which he died, the manors of Croſby Ravenſwath and Nateby, by homage and fealty, and 27*s* 2*d* cornage. The wardſhip whereof, when it ſhould happen, was eſtimated at 40*l*.

In the 43 Ed. 3. *Ralph de Haſtings* held in like manner as before the manor of Croſby Ravenſwath.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that *Richard Haſtynges* held the manors of Croſby Ravenſwath and Nateby, by the aforeſaid cornage of 27*s* 2*d*.

By a feodary in the 31 Hen. 6. it appears, that *Edward Haſtyngs* knight then held the manor of Croſby Ravenſwath, by the cornage of 13*s* 7*d*; ſubject alſo to wardſhip, marriage, relief, and ſuit at the county court: And *Lancelot Threlkeld* knight held the ſame of the ſaid *Edward*. And henceforth we hear no more of *Haſtings*.

The arms of *Haſtings* were; Sable, a manch Argent.

This family of *Threlkeld* (whoſe principal reſidence was at *Threlkeld* in Cumberland) had conſiderable poſſeſſions in Weſtmorland, and particularly at Croſby Ravenſworth, long before this time. For in the 32 Ed. 1. and again in the 13 Ed. 2. *Henry Threlkeld* had a grant of free warren at Yanwith, Croſby Ravenſwath, Tebay, and Rounthwaite; and in the 5 Hen 4. *William Threlkeld* of Croſby knight, couſin and heir of *William Threlkeld* knight, father of *William Threlkeld* of Ulveſbye, ſon of *John*, ſon of *William*, paid his relief for two parts of the moiety of the manor of Ulveſbye.

This *Lancelot Threlkeld* knight was ſon of Sir *Lancelot* by Margaret daughter and heir of Henry Bromflett lord Veſcy, widow of the aforeſaid John de Clifford.

This Sir *Lancelot* the ſon was wont to ſay, he had three noble houſes; one for pleaſure, Croſby in Weſtmorland, where he had a park full of deer; one for profit and warmth, wherein to reſide in winter, namely, Yanwith nigh Penrith; and the third, Threlkeld, well ſtocked with tenants to go with him to the wars.

He had three daughters coheirs; one married to *Thomas Dudley*, with whom he had Yanwith; the other two were married to two brothers, *Pickerings*, younger ſons of Sir *James Pickering* of Killington in Weſtmorland. One of theſe two brothers with his wife had Threlkeld; the other brother, *viz. James*, had, with *Elizabeth* the eldeſt ſiſter, Croſby Ravenſworth.

The arms of *Threlkeld* differed only in colour from thoſe of *Haſtings*; being, Argent, a manch Gules.

In a feodary of Henry earl of Cumberland, in the 18 Hen. 8. it appears, that *James Pickering* eſquire, as in the right of *Elizabeth* his wife, one of the daughters and coheirs of Lancelot Threlkeld knight, held of the ſaid earl the manor of Croſby Ravynſwath, by the cornage of 13*s* 7*d*, owing alſo to the ſaid earl for the ſame wardſhip, marriage, relief, and ſuit to the county court.

James was ſucceeded by his ſon *William Pickering* eſquire; who in the 23 Hen. 8. was an arbitrator, together with Thomas Dudley of Yanwith and Chriſtopher Threlkeld of Melmerby eſquires, in a cauſe between Guy and Hugh Machel of Crackenthorp.

The ſaid *William* had a ſon *Lancelot*, who about the 10 Eliz. married a daughter of Thomas Blenkinſop of Helbeck eſquire. He appears to have been living in the 41 Eliz. and was ſucceeded by his ſon and heir, *viz.*

Thomas Pickering of Croſby eſquire; who in the reign of king James the firſt ſold the manor and part of the demeſne to Sir *John Lowther* of Lowther knight.

The arms of *Pickering* were; Ermine, a lion rampant Azure, crowned Or.

The ſaid Sir *John Lowther* gave the ſaid eſtate in marriage with his daughter *Frances* to *John Dodſworth* of Thornton Watlaſs in the county of York eſquire. He was a younger brother of the family of that name there. He had iſſue *John Dodſworth* of Croſby eſquire, who died without iſſue, having deviſed this eſtate to Mr. *Francis Bayly* his faithful ſervant and ſteward, ſecond ſon of Dr. Bayly of Penrith. Which *Francis* married Mrs. Mary Purley of Lincolnſhire; by whom he had iſſue *Margaret Bayly*; which *Margaret* ſold the premiſes to *Robert Lowther* of Mauld's Meburn eſquire, father of the preſent owner Sir *James Lowther* baronet.

The *hall* is an ancient tower houſe, near adjoining to the weſt end of the church, and overſhaded with trees. Formerly there hath been a moat about it. In the tower, where they enter, are two windows, one above the other, of no mean workmanſhip. Above the door, are the letters I D, for John Dodſworth, who repaired the tower, and cut theſe letters in the old work. There is a coat of arms, quarterly, of eight; which ſeems to have been put up by the Pickerings.

A little eaſtward from the churchyard is the *ſchool*; a neat little building, but ſupported only by a ſmall ſalary of 7 or 8 *l* a year, by money out at intereſt.

The *park* where Sir Lancelot Threlkeld kept his deer, lies a little ſouthward from the hall and village adjacent, and is now called *Croſby Gill.* It was ſold off from the reſt of the demeſne, by the laſt of the Pickerings, to *Edward Wilſon* of Heverſham hall gentleman; with whoſe kinſwoman *Jane*, daughter of *Thomas Wilſon*, it was given in marriage to *Robert Rawlinſon* barriſter at law, ſon of *William Rawlinſon* of Colton in Lancaſhire by his wife Margaret daughter of Walter Curwen of Mireſide.

Which ſaid *Robert*, by the death of his mother's brother without iſſue, inherited a fair eſtate at Mireſide, Carke, and Cartmell. By his wife Jane Wilſon, he had iſſue a ſon *Curwen Rawlinſon*, and four daughters, *Anne*, *Katharine*, *Eleanor*, and *Jane*; which two laſt died without iſſue.

Curwen Rawlinſon eſquire married Elizabeth only ſurviving child of Nicolas Monk biſhop of Hereford and brother to George Monk firſt duke of Albemarle, ſon of Sir Thomas Monk of Potheridge in Devonſhire, ſon of Anthony Monk eſquire, ſon of Thomas Monk eſquire by Frances Plantagenet daughter and coheir of Arthur Plantagenet viſcount Liſle, ſon of king Edward the fourth. He had iſſue two ſons, *Monk*, and *Chriſtopher: Monk* died unmarried, and the inheritance deſcended to his younger brother *Chriſtopher*.

The ſaid *Chriſtopher Rawlinſon* was a gentleman of learning, and well ſkilled in antiquities. In the year 1698, being then gentleman commoner of Queen's college in Oxford, he publiſhed an elegant edition of king Alfred's Saxon verſion of *Boethius de Conſolatione Philoſophiæ*. He made alſo a large collection of matters relating to the counties of Lancaſter and Weſtmorland, particularly that part which is called the barony of Kendal, from the Eſcheators books and other evidences: From which, Sir Daniel Fleming extracted ſo much as concerns the county of Weſtmorland; which extracts make a part of the valuable collection of manuſcripts at Rydal hall. This *Chriſtopher* alſo died unmarried; and thereby the eſtate deſcended to the iſſue of Curwen Rawlinſon's two ſiſters *Anne* and *Katherine*.

Of whom, *Anne* was married to *Chriſtopher Crackenthorp* of Newbiggin eſquire; who had iſſue *Richard*; who had iſſue *Mottram*, *Deborah*, and *Anne*. *Mottram* died unmarried; and thereupon one moiety of *Croſby Gill* deſcended to his ſaid two ſiſters: Of whom, *Anne* was married to Dr. *Adam Aſkew* of Newcaſtle upon Tyne, who received one half of the ſaid moiety; and *Deborah*, dying unmarried, deviſed her half part of the ſaid moiety to Dr. *Anthony Aſkew* of London, ſon and heir of the ſaid Adam Aſkew by his ſaid wife Anne Crackenthorp.

Katherine, the other ſiſter of Curwen Rawlinſon, was married to *Roger Moor* of Middleton ſerjeant at law; who had iſſue *Roger*, *Anne*, *Mary*, and *Katherine*. Of whom, *Roger* died without iſſue, and his moiety deſcended to his three ſiſters; *viz. Anne*, married to William Aylmer vicar of Warton; *Mary*, married to Charles Blake; and *Katherine* (who only had iſſue) married firſt to Mr. Rigg of Hawkſhead, and afterwards to George Dixon. And all the three ſiſters, being widows, deviſed their ſhares reſpectively of the ſaid moiety to the ſaid *Katherine*'s grandchildren, two of whom enjoy the ſame at this time, *viz. Fletcher Rigg* eſquire two ſhares, and his ſiſter *Jane* (married to Mr. Edward Moore) one ſhare.

The park wall hath been about three yards high, as appears by ſeveral parts thereof yet ſtanding. And there is a farm houſe in the middle upon an eminence, which is yet called The Lodge. In this park alſo was plenty of black game.

Near the head of Croſby Gill, ſprings the river *Lyvennet*, at a place called Black-Dub, where king Charles the ſecond, when he came in with the Scots in the year 1651, reſted and dined, and drank of that water. Thence it runs

to

to Croſby, and paſſing under Monks bridge near the church, runs down through Maud's Meburn, and from thence by King's Meburn, Wood head, Cliburn, and Julian Bower in Whinfell park, into the river Eden.

Above the head of Croſby Gill on the eaſt ſide, nigh the way leading from Croſby Ravenſworth, is a remarkable heap of ſtones called *Penhurrock*; which from its name muſt needs be ancient. *Pen* is Britiſh, and ſignifies an head or ſummit; *hurrock* is Saxon, and ſignifies an heap of ſtones. And probably it hath been a *tumulus* or burying place in the time of the ancient Britons.

The lordſhip of *Birkbeck Fells* is in this manor, although the greateſt part of the ſaid lordſhip is within the pariſh of Orton.

In the reign of king James the firſt, there was a diſpute (as we have ſet forth at large in treating of the barony of Kendal) between the lords of manors and their tenants, the lords claiming an abſolute eſtate in the tenements, and the tenants inſiſting upon an inheritance therein according to the cuſtom of the manor. After various litigations, divers lords and their tenants came to a compromiſe. And particularly in the manor of Croſby Ravenſworth, Sir John Lowther of Lowther knight, and John Lowther of Hackthorp eſquire his ſon, by their deed ſetting forth, that whereas the tenants claim to be ſeiſed of their ſeveral meſſuages and tenements with the appurtenances, to them and their heirs, under certain rents, fines, boon days, works, and other ſervices; and whereas there have been divers queſtions and differences, between the ſaid lords and tenants, touching the validity of their ſaid cuſtomary eſtate which they claim as aforeſaid; and whereas the ſaid tenants have agreed to pay forty years ancient rent for ſettling and confirming their eſtate; they therefore confirm to the ſaid tenants their eſtate, to deſcend acccording to the common law, except that the eldeſt daughter or ſiſter ſhall inherit; paying only two rents for a fine: reſerving nevertheleſs the freehold eſtate therein, and ſuit of court, and ſuit of mill. But releaſing to the tenants all ſervices of plowing, harrowing, ſhearing, raking, peat leading, farm hens, and ſalt.

Which laſt Item was from a demand, after Sir John Lowther had purchaſed St. Bees and Whitehaven, of the tenants going there once a year and fetching ſalt and other neceſſaries to Lowther; as the Wyberghs of Clifton, when they had St. Bees, had required the like boon of their tenants at Clifton.

But in the concluſion, moſt of the tenements in this manor have been ſold to freehold; the lord reſerving only the royalties, and ſuit of mill after the twentieth multure, and power to incloſe 200 acres of the common to be ſet out by a majority of the tenants; and the rent of 6*d* an acre, if the tenants ſhall agree to incloſe the common.

There are three or four houſes on the eaſt ſide of the village of Croſby, called *Bank and Row*; which are within the manor of Garthorne, moſt of which manor is within the pariſh of Aſby: It belonged to the Threlkeld branch

branch of Pickerings, and was ſold by Sir *Chriſtopher Pickering* to Sir *James Bellingham* of Over Levins, from whoſe deſcendent *Alan Bellingham* it was purchaſed by Colonel *James Grahme* as aforeſaid, and from him deſcended to the preſent earl of *Suffolk* and Berkſhire.

III. MANOR OF MAULD'S MEBURN.

Until *Maud de Veteripont*'s time, the whole tract, including both the *Meburns*, and the ſpace between called *Meburn Field*, went by one general name of *Meburn*. It was often anciently written *Medburn*; which ſeemeth to indicate, that it received this name from the *burn* or rivulet (of Lyvennet) running all along down the *middle* of the vale.

The ſaid Maud, who was ſiſter to Sir Hugh Morvil, being married to William de Veteripont as is before mentioned, carried this eſtate to her ſaid huſband in frank marriage; and after the forfeiture of Sir Hugh Morvil, the other part of Meburn being taken into the king's hands, theſe two diviſions became diſtinguiſhed by the ſeveral names of King's Meburn and Maud's Meburn, or Mauld's Meburn (Meburn Matildæ).

The ſaid William de Veteripont gave four oxgangs of land at Meburn to the friers of the hoſpital of St Peter (otherwiſe called the hoſpital of St. Leonard) at York: Maud his wife (amongſt others) being witneſs to the ſaid grant.

Ivo de Veteripont, ſon of the ſaid William and Maud, and brother of Robert, gave to the ſaid hoſpital lands at Meburn circumſcribed by theſe limits; *viz.* "From the nether or lower head of Undercot gill, unto the ſike which is in the upper head, and ſo all along by the ſame ſike ſouthwards unto the ditch by the highway-ſide which leads from Appleby to Tibbay, and ſo nigh unto the public way or ſtreet weſtwards unto the boundary of Croſby, and thence unto the boundary of Aſkeby, and on to Keldheved, and thence towards the eaſt between the boundaries of Meburn and Aſkeby unto the mills, and unto the ground which the ſaid Ivo had before given to the aforeſaid hoſpital."

Robert de Veteripont, ſon of Ivo, gave to the abbey of Shap 22*s* yearly to be paid out of Meburn in the name of *alms corn*.—After the diſſolution of the abbey, in a rental of the Wharton eſtates (who had a grant of the poſſeſſions of the ſaid abbey) *John Fletcher* and others, tenants of the demeſne lands commonly called Meburn hall, ſtand charged for alms corn, formerly paid to the ſaid abbey, 26*s* 8*d*

There were ſeveral perſons of the name *de Meburn* in thoſe days, but none of them lords of the manor.

After the death of *Maud*, her ſon *Ivo* held Meburn; which *Ivo* had a ſon *Robert*, who in the 27 Hen. 3. granted this manor to *John le Fraunceys*; as appears by a record in that year, ſetting forth, that Robert de Veteripont ſon and heir of Ivo de Veteripont, recognized that he had given to *John le Fraunceys*

ceys ſon of *Hugh le Franceys* the whole manor of Meburn which is called Maud's Meburn, to hold to him and his heirs, rendring yearly for all ſervices one pound of cumin. (This payment was to Ivo: But there were other ſervices to be performed to the barons of Weſtmorland, paramount lords of the fee.)

The ſaid *John le Franceys* granted on the other hand, that Johan, daughter of the ſaid Ivo, ſhould peaceably have and hold the ſeveral lands and tenements granted to her by her father, with the ſervices of villains and bondmen.

In the 41 Hen. 3. *Philip le Fraunceis* had a grant of free warren in Weſtmorland and Cumberland.

This *Philip* ſeems to have had a ſon *Gilbert*; whoſe ſon *Richard le Franceis* married a daughter of Sir Michael de Harcla. For in the 6 Ed. 1. the king ſeiſed the lands of Sir Michael de Harcla, until it ſhall appear by what right and title *Richard le Fraunceis* ſon and heir of *Gilbert le Fraunceis* married the daughter of Sir Michael de Harcla, being then the king's ward.

In the 35 Ed. 1. *John le Fraunceys* was a juror on the inquiſition *poſt mortem* of Margaret de Roſs.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Richard le Fraunces* held of the ſaid Robert, on the day on which he died, the manor of Meburn Maud and Whale, by homage and fealty, and the cornage of 33*s*. And that the wardſhip thereof, when it ſhould happen, was worth 40*s*.

In the 15 Ed. 3. one *Iſabella de Vernon* held Meburn. By which there ſeems to be little doubt, but that the family of *Fraunceys* had ended in a daughter married to Vernon.

In the 43 Ed. 3. *Richard Vernon* held the manor of Medburn.

In the 15 Ric. 2. and again in the 10 Hen. 5. *Richard de Vernon* held Meburn Mauld and Whale, by the cornage of 33*s*.

In the 31 Hen. 6. *William Vernon* held the ſame.

In the 1 and 2 Ph. and Mary, *George Vernon* held Meburn Maud and Whale, by the like ſervices.

From this time we have no further account till the reign of king James the firſt; when in the 12th year of that king, a ſettlement was made of this manor of Meburn, upon *John Lowther* of Lowther eſquire and Elianor his wife, daughter of William Fleming of Rydal eſquire.

The ancient manor houſe ſeems to have been where the hall now ſtands. But the lands were ſo parcelled out amongſt the religious ſocieties, that there ſeems to have been ſcarce any demeſne left. The laſt mentioned *John Lowther* eſquire, afterwards Sir John Lowther, purchaſed there eight tenements, which make up the preſent demeſne. From him it deſcended to his ſon Sir *John*, who gave the ſame to his ſecond ſon *Richard*, who was ſucceeded by his eldeſt ſon *Robert*, father of the preſent owner Sir *James Lowther* baronet.

At Meburn town head was born LANCELOT ADDISON, ſon of *Lancelot Addiſon*, which *Lancelot* the ſon was educated at Queen's college in Oxford, paſſed many years in his travels through Europe and Africa, and joined, to excellent natural endowments, a great knowledge of letters and things, of which ſeveral books

books publiſhed by him are ample teſtimonies. He was rector of Milſton in the county of Wilts, and afterwards became archdeacon of Coventry and dean of Litchfield. He married to his firſt wife Jane daughter of Nathanael Gulſton eſquire, and ſiſter of Dr. William Gulſton biſhop of Briſtol; and by her had iſſue, *Joſeph* his eldeſt ſon, *Gulſton* governor of Fort St. George, *Lancelot* fellow of Magdalen college in Oxford, and three daughters, Jane, Anne, and Dorothy. To his ſecond wife he married Dorothy daughter of John Danvers of Shakerſton in the county of Leiceſter eſquire. In the churchyard of the cathedral of Litchfield is the following epitaph:

Hic jacet Lancelotus Addiſon S. T. P. hujus eccleſiæ decanus, nec non archidiaconus Coventriæ; qui obiit 20 *die Aprilis, Ann. Dom.* 1703. *Ætat. ſuæ* 71.

And on the inſide of the cathedral is the following cenotaph or memorial of him:

P. M. Lanceloti Addiſon, agro Weſtmorland' oriundi, in collegio reginæ Oxon' bonarum literarum profecti, diutinis per Europam Africamq; peregrinationibus rerum peritia ſpectabilis, hujus tandem eccleſiæ decani et Coventrienſis archidiaconi. In primis nuptiis duxit Janam Nathan' Gulſton armigeri filiam, et Guillielmi Gulſton epiſcopi Briſtolienſis ſororem: in ſecundis, Dorotheam Johan' Danvers de Shakerſton in agro Leiceſtrienſi armigeri filiam, funere mariti de ſe optime meriti nuper plorantem. Ex Jana tres filios, totidemq; filias ſuſcepit, Joſephum, Gulſtonum arcis ſancti Georgii gubernatorem, Lancelotum collegii Magdal' Oxon' ſocium, Janam et Annam prima juventute defunctas, et Dorotheam unicam ex tot liberis ſuperſtitem. Obiit A. D. 1703. *Ætat.* 71.

Joseph, the eldeſt ſon, had his firſt education at the Charterhouſe, from whence he was removed to Queen's college in Oxford aforeſaid. He had been there about two years, when the accidental ſight of a paper of his verſes occaſioned his being elected into Magdalen college in that univerſity. He employed his firſt years in the ſtudy of the old Greek and Roman writers, whoſe ſtyle and manner he caught, and retained to his dying day. He firſt diſtinguiſhed himſelf by his Latin compoſitions in the Muſæ Anglicanæ. His firſt Engliſh publication was a copy of verſes to Mr. Dryden, which was followed by a tranſlation of Virgil's fourth Georgic, of which Mr. Dryden makes honourable mention in the poſtſcript to his own tranſlation of all Virgil's works. Alſo the Eſſay upon the Georgics, which is prefixed to Mr. Dryden's tranſlation, was furniſhed by Mr. Addiſon.—He had a penſion from the government of 300*l* a year, to ſupport him in his travels through ſeveral parts of Europe. An account whereof he publiſhed on his return; in which, inſtead of the uſual topics of the cuſtoms and policies of the ſeveral governments, reflections on the genius and manners of the people, maps of their provinces, or meaſures of the buildings, he preſented a journal of claſſical obſervations, with remarks on the preſent picture of the country, compared with the landſkips drawn by the poets ſeventeen hundred years ago, this being a moſt engaging kind of criticiſm, which convinces at firſt ſight,

and ſhews the vanity of conjectures made by antiquarians at a diſtance.—His tragedy of Cato and other dramatic pieces, and the ſhare which he had in thoſe periodical publications, the Tatler, Spectator, and Guardian are known to every one, and will remain an eternal monument to his memory.

His firſt public employment was that of Commiſſioner of Appeals, in which he ſucceeded the celebrated Mr. Locke. Afterwards he was made under-ſecretary of ſtate, which office he held under Sir Charles Hedges and the earl of Sunderland. His next advancement was to the poſt of ſecretary to the marquis of Wharton when he went lord lieutenant into Ireland; where alſo he had the poſt of keeper of the records given to him, with an advanced ſalary. Upon the death of the queen, he was made ſecretary to the lords juſtices; and on the earl of Sunderland's going into Ireland, he was again made ſecretary for the Iriſh affairs; and ſoon after, one of the lords commiſſioners of trade. Finally, he was advanced to the poſt of one of his majeſty's principal ſecretaries of ſtate; but on his health declining, he reſigned the ſame, and died of an aſthma and dropſy in the year 1719, in the 49th year of his age. He left behind him one only daughter by the counteſs of Warwick, whom he married in the year 1716.

IV. MANOR OF REGILL.

This place of old time was invariably written *Renegill:* From what original, is not certain. Perhaps it was from the name of the owner. *Rene* was a name in the time of William the Conqueror, and long after. The firſt of the anceſtors of king William the third who came to be prince of Orange, was *Rene de Naſſau.*

The aforeſaid Maud de Veteripont gave half a ploughland of her demeſne in Renegill in frank marriage with her daughter Chriſtian to Robert ſon of Derman: Which land was called Hynthorneham.

Afterwards ſhe gave to her ſon Robert the whole vill of Renegill; he rendring to her for all ſervices one hawk. Which he was to hold of Ivo his brother. Ivo confirmed the ſame to Robert and his heirs, in the 9th year of king John.

And in the 13th year of the ſame king, the ſaid Robert granted to the abbey of Shap the whole vill of Renegill with the appurtenances; which he expreſſeth as granted to him by Maud his mother, and confirmed by Yvo his brother.

After the diſſolution, the revenues of the abbey of Shap were granted by the crown in the 36 Hen. 8. to Thomas lord Wharton; and the particulars of Renegill were as follows:—Divers rents and ſervices iſſuing out of the lands and tenements of the heirs of *William Hilton*, the heirs of *William Howgill*, the heirs of *John Medburn*, and of the wife of *Roland Herdſon*; and all meſſuages, mills, tofts, cottages, lands, tenements, meadows, paſtures, and other hereditaments, in the tenure or occupation of *Thomas Winter* and *Richard* his ſon, *Henry Dun*, *John Blamire*, *John Colſtane*, *Thomas Furneſs*, *Roland Furneſs*, *John*

John Willain, *Thomas Hugill*, *Thomas Blamire*, *William Robinſon*, *William Adiſon*, *John Adiſon*, *Thomas Stable*, the wife of *Richard Lowis*, *John Adiſon*, *Richard Mathewe*, and *Roland Hogeſon*.

The Whartons ſold Regill Grange and half of the demeſne, to Dr. Lancelot Dawes of Bartonkirk; and the other half to Sir John Lowther, who afterwards purchaſed the whole. And finally, whatſoever remained in the hands of the Whartons, which had belonged to the ſaid Abbey, was purchaſed in the time of the late duke of Wharton by *Robert Lowther* of Meburn eſquire, whoſe ſon and heir Sir *James Lowther* baronet now enjoys the ſaid poſſeſſions.

There was here anciently a *chapel* or oratory: of which there are ſome remembrances, in the names of chapel garth, chapel lands, and the like.

Here was born Mr. *Randall Sanderſon*, ſome time fellow of Queen's college in Oxford, and rector of Weyhill in Hampſhire; who gave 120*l* for the founding and endowing a free ſchool at Regill. He was alſo a conſiderable benefactor to the ſchool at Appleby, where he was educated.

PARISH OF ASBY.

I. *Pariſh of Aſby.*
II. *Aſby Winderwath.*
III. *Aſby Cotesford.*
IV. *Little Aſby.*
V. *Garthorne.*

I. PARISH OF ASBY.

ASBY was anciently written *Aſkeby*, probably from the ſame origin as *Aſkham* before mentioned.

This pariſh is bounded on the Eaſt by the pariſhes of Ormſhead, Warcop, and Croſby Garret; on the South, by the pariſhes of Croſby Garret and Orton; on the Weſt, by the pariſh of Croſby Ravenſworth; and on the North, by the pariſhes of Croſby Ravenſworth and St. Laurence Appleby: And contains about 72 families, all of the church of England.

The church is dedicated to St. Peter; and is a rectory, valued in the king's books at 23*l* 13*s* 4*d*: in the patronage of Walter Fletcher of Hutton in the Foreſt in the county of Cumberland eſquire.

In the reign of king Henry the third, we find one *Adam* parſon of Aſkeby witneſs to a deed of lands there.

In the year 1298, 27 Ed. 1. one *Richard le Engliſh* was parſon of Aſby, who in that year gave one meſſuage and ſix acres of land in Great Aſby, for making a chantry in the chapel of St. Leonard of Little Aſby.

In

In the ſame year, *William de Brampton* was preſented to the rectory of Aſkeby, by Sir Robert de Aſkeby knight.

In the year 1319, on the death of William de Brampton, *William de Keldeſyke* was inſtituted, on the preſentation of the ſaid Sir Robert de Aſkeby.

In 1345, on William de Keldeſyke's death, *Thomas de Anant* was inſtituted, on the preſentation of Sir Hugh de Moriceby knight, who married the daughter and heir of the ſaid Sir Robert de Aſkeby. This Thomas de Anant gave by his will 100 marks to the town of Newcaſtle upon Tyne, and 50 marks to the pariſh of Aſkeby.

In 1374, on the death of Thomas de Anant, *Stephen de Meburn* was inſtituted on the king's preſentation in right of the heir of Chriſtopher Moriceby then in wardſhip of the king.

In 1563, Sir *Percival Kirkbryde* was inſtituted, on a preſentation from Michael and John Kirkbryde, who derived their title from the lady Anne Knevet, widow of Sir Henry Knevet of Eaſt Horſeley in the county of Surrey.

In 1572, on the deprivation of Percival Kirkbryde (probably for not ſubſcribing the 39 articles) inſtitution was given to *John Barnes*, preſented by John Vaughan of Eſkrig in the county of York eſquire, and the lady Anne his wife.

In 1578, *Thomas Fairfax*, S. T. B. was inſtituted by his proxy Hugh Sewel, who took the uſual oaths in his name; on a preſentation by Lancelot Pickering eſquire.

In 1593, on removal of Mr. Fairfax to Caldbeck, Mr. *Oſwald Dykes* was inſtituted.

In 1618, *Lancelot Dawes*, M. A. was inſtituted on the king's preſentation, upon a ſuggeſtion of ſimony, and a mandate was iſſued to the archdeacon to induct him. This Lancelot Dawes built the greateſt part of the parſonage houſe at Aſby. He was alſo vicar of Barton, and prebendary of Carliſle.

In 1661, *George Tibbold* was preſented by Sir George Fletcher baronet.

In 1694, *Henry Fleming*, M. A. on the death of George Tibbold, was preſented by the ſaid Sir George Fletcher.

In 1728, on the death of Henry Fleming, *Joſhua Burrow* was preſented by all the coheirs of the ſaid Sir George.

In 1739, on the death of *Joſhua Burrow*, *Richard Machel*, M. A. was preſented by Thomas Pattenſon eſquire, purchaſer of that turn.

The *church* of Aſby is an ancient building, with three bells.

There was heretofore a *chantry* in this church, dedicated to the virgin Mary, founded by Robert de Aſkeby in the year 1299.

A little below the church eaſtward, riſes a large ſpring called St. *Hellen's well*. It has been neatly ſeated round; and (no doubt) in antient time, like the reſt, did not want its miracles.

Near to the church alſo eaſtwards, is a ſmall *ſchool-houſe*, built (as the inſcription over the door ſets forth) by George Smith, merchant taylor and citizen of London, in 1688. He endowed it with 20*s* a year, leaving alſo a

legacy of 10*l*, the intereſt whereof (then ſuppoſed to be 12*s*) was to be diſpoſed of on St. George's day yearly for ever, 6*s* to the poor of the pariſh, 5*s* to be ſpent in ale by the feoffees of the ſchool, and the remaining ſhilling to purchaſe a foot-ball for the ſcholars. Dr. Thomas Smith biſhop of Carliſle, who was born at Whitewall in this pariſh, beſtowed (amongſt many other deeds of charity) 100*l* upon this ſchool.

The abbey of Shap had three tenements in Great Aſby; which at the time of the diſſolution were in the poſſeſſion of William Unthanke, Margaret Myre, and George Myre, or their aſſigns.

II. ASBY WINDERWATH.

It ſeemeth that anciently all the *Aſkebys* (which now make three diſtinct manors) were one undivided intire manor. Afterwards, the ſame became diſtinguiſhed into *Little Aſby* and *Great Aſby*. *Little Aſby* ſeems to have been originally the principal place; for in ancient writings we ſometimes find it ſtyled *Old Aſkeby* (*Aſkeby Vetus*). *Great Aſkeby* became again divided into moieties, *Aſkeby Wynanderwath* and *Aſkeby Cotesford*.

There is a *Winanderwath* in the pariſh of Cliburn, and *Winandermere* in the barony of Kendal. But from whence any of them derived their name, we have not certainly found; moſt likely, from the name of the owner.

The lords of *Aſkeby Winanderwath* (who alſo were patrons of the advowſon) ſo far as we are able to go back, were of the name *de Aſkeby*.

In the reign of king Henry the ſecond, *William* ſon of *Robert de Aſkeby*, and *Gilbert* and *Adam* his brothers, were witneſſes to a grant of lands at Blaterne to the abbey of Byland.

In the reign of Richard the firſt, Sir *Robert de Aſkeby* knight (probably ſon of *William*) was witneſs to divers inſtruments.

The next of the family ſeems to have been *Gilbert*. For in the reign of king Henry the third, *Robert* ſon of *Gilbert de Aſkeby* granted to Adam ſon of Hugh de Soureby and Idonea daughter of William de Cotesford (kinſwoman of the ſaid Robert) in frank marriage, four acres of his demeſne land of Winanderwhat, within the vill of Winanderwhat and without, namely, three acres and an half in Sulewhatſite, and half an acre nigh the bank which goes down from the foreſt upon Rokeraithe; and granted alſo, that they might grind their corn growing on the ſaid lands at his mill of Winanderwhat moulter free, or carry the ſaid corn to be ground elſewhere without doing ſuit to his ſaid mill. Witneſſes to the ſaid grant were (amongſt others) Robert de Cotesford, Geoffrey de Cotesford, William Engliſh, and Adam parſon of Aſkeby.

In the 14 Ed. 1. *Robert de Aſkeby* held the manor of Great Aſkeby of the two daughters and coheirs of the laſt Robert de Veteripont.

In the 28 Ed. 1. *Robert* ſon of *Henry de Aſkeby* founded the chantry of the virgin Mary aforeſaid in St. Peter's church at Aſkeby.

This *Robert* was knight of the ſhire for Weſtmorland in the 30 Ed. 1.

In the 3 Ed. 2. on an inquiſition of lands in Weſtmorland held by cornage, it was found, that *Robert de Aſkeby* held a moiety (as it is there expreſſed) of Great Aſkeby and Winanderwath, and one carucate of land in Winton.

In the 7 Ed. 2. the ſaid *Robert* was again knight of the ſhire for Weſtmorland.

In the 8 Ed. 2. after the death of Robert de Clifford, the jurors find, that *Robert de Aſkeby* held a moiety of Aſkeby Winderwath; the wardſhip whereof was worth 10*l*, the cornage 19*s*.

In the 12 Ed. 2. *Robert de Aſkeby* and *Margaret* his wife granted to Gilbert ſon of Richard Engayne of Clifton, a toft and croft and all their land at Clifton, to hold during his life of *Margaret de Aſkeby* their daughter, by the rent of a roſe on the nativity of St. John Baptiſt.

This *Margaret de Aſkeby* was their only child; who carried the inheritance by marriage to Sir *Hugh de Moreſby* knight; who in the 2 Ed. 3. and again in the 10 Ed. 3. was knight of the ſhire for Weſtmorland.

In the 11 Ed. 3. there was a grant of free warren to *Hugh de Moreſby* in Winanderwath and Aſkeby.

In the 16 Ed. 3. a fine was levied between *Hugh de Moreſby* and *Margaret* his wife complainants, and *Robert de Aſkeby* deforciant, of the manor of Wynanderwath and of a moiety of the manor of Rookby; to hold to the ſaid *Robert* for life, remainder to the ſaid *Hugh* and *Margaret* and the heirs of their bodies, remainder to the right heirs of the ſaid Robert in fee.

Two years after this, the ſaid *Hugh* appears to be dead; for in the 18 Ed. 3. a fine was levied of the manor of Great Aſkeby, between *Chriſtopher de Moriſby* and *Iſabel* his wife of the one part, and *Margaret* wife of *Hugh Moriſby* of the other part; to hold to the ſaid *Chriſtopher* and *Iſabel* and the heirs of their bodies, remainder to the heirs of the ſaid *Margaret* in fee.

In the 28 Ed. 3. amongſt the eſcheats in Cumberland, it is found, that *Chriſtopher Moriceby* held a moiety of the manor of Diſtington, and the manor of Moriceby in Cumberland, and the manor of Aſkeby in Weſtmorland.

In the 43 Ed. 3. *Chriſtopher Moreſby* held of Robert de Clifford the manor of Aſkeby Wynanderwath.

In the 47 Ed. 3. the king preſented a clerk to the rectory of Aſkeby as aforeſaid, in right of the heir of *Chriſtopher de Moriceby* then in ward to the king.

This heir was a daughter *Anne*, married to Sir *James Pickering* of Killington knight. Which *Anne*, by a rental of Henry earl of Cumberland in the 18 Hen. 8. appears to have then held a moiety of Aſkeby called Wynanderwath, and one carucate of land in Wynton.

This *Anne*, to her huſband Sir *James Pickering*, had a ſon and heir Sir *Chriſtopher Pickering*, who had an only child *Anne*; which *Anne* was thrice married, firſt to Sir *Francis Weſtby*, ſecondly to Sir *Henry Knevett*, and thirdly to *John Vaughan* eſquire.

In the 6 Eliz. there was a preſentation to the rectory of Aſby (as is above mentioned) by virtue of a title derived from the lady *Anne Knevet*, widow of Sir *Henry Knevet*.

And

And in the 15 Eliz. there was a preſentation to the ſaid rectory, by *John Vaughan* eſquire and the lady *Anne* his wife.

Six years after this, we find the advowſon in the hands of *Lancelot Pickering* eſquire, of the family of that name at Croſby Ravenſworth and Garthorne; ſo that he ſeemeth to have purchaſed the manor, with the advowſon appendent. And Sir *Richard Fletcher* of Hutton (in whoſe family it ſtill continues) purchaſed the ſame of the *Pickerings*.

III. ASBY COTESFORD.

This had its name of diſtinction evidently from the owner.

At the ſame time that *William de Aſkeby* was witneſs to divers inſtruments, ſo alſo was *Richard de Cottesford*, in the reign of king Henry the ſecond.

In the firſt year of king John, Gilbert Fitz-Reinfred, ſheriff of Weſtmorland, accounted in the exchequer for 3*l* paid by *Hugh de Cottesfurth* for lands in Aſby after the death of his uncle.

In the 14 Ed. 1. *Peter de Cotesford* held Aſkeby Cotesford of the two daughters of Robert de Veteripont.

In the 8 Ed. 2. *John de Cottesford* held a moiety of Great Aſkeby; the wardſhip whereof was worth by the year 6*l* 13*s* 4*d*; the cornage 4*s* 2*d*.

In the 43 Ed. 3. *John de Cotesforth* held the manor of Aſkeby Cotesforth.

In the 15 Ric. 2. *Stephen de Cotesford* held the ſame.

In the 31 Hen. 6. *John de Cotesford* held a moiety of Aſkeby called Aſkeby Cotesford, by homage and fealty, and 4*s* 2*d* cornage; owing alſo for the ſame, wardſhip, marriage, and relief.

In the 4 Ed. 4. *John de Cotesford* was one of the jurors on the inquiſition *poſt mortem* of John de Clifford; and this is the laſt of the name that we have met with.

This manor came afterwards to the *Muſgraves*, and paſſed with a daughter and heir to Dr. *Bouchier*, who ſold the ſame to the preſent owner *Roger Pindar* gentleman.

There are two eſtates in this pariſh which go by the name of *Grange*; one of them went along with the manor of Aſby Cotesford; the other belonged to the abbey of Byland in Yorkſhire, but by whom it was given we have not found.

IV. LITTLE ASBY.

To a deed of lands at Crackenthorp, in the reign of king Henry the ſecond, three of the witneſſes are, *William de Aſkeby*, *Richard de Cotesford*, and *Richard Engliſh* [L'Engleys]: who were ſeverally lords of the three Aſkebys.

In the 4th year of king John, there was an agreement between Robert le Scot and *Richard le Engleys*, concerning half a carucate of land, with the appurtenances, in Old Aſkeby.

In

In the 13th year of the ſame king, *William Engliſh* was witneſs to a grant of Robert de Veteripont to Shap Abbey.

In the 20 Ed. 1. Sir *Robert le Engleys* was a juror at Appleby in a cauſe between the king and the abbot of St. Mary's York.

In the 2d, 4th, and 5th of Ed 2. *Robert L'Angleys* knight repreſented the county of Weſtmorland in parliament.

In the 2 Ed. 3. *William L'Engliſhe* and *Elena* his wife levied a fine of the manor of Little Aſby and lands in Great Aſby, to the uſe of the ſaid *William* and *Elena* and the heirs of their bodies, remainder to *Robert* brother of the ſaid *William* and the heirs of his body, remainder to *Thomas* another brother, remainder to *John Dawney* and the heirs of his body, remainder to the right heirs of the ſaid *William*.

In the 12 Ed 3. there was a grant to *William Engliſhe* to impark 100 acres of land in Kirklevington in the county of Cumberland, 100 acres elſewhere in the ſaid county, 100 acres at Tibbay and Runthwaite in the county of Weſtmorland, and 100 acres at Aſſmudeby in the county of York.

In the 15 Ed. 3. a fine was paſſed of the manors of Tybbay and Runthwaite, to the uſe of *William L'Engliſhe* knight for life, remainder to *William* his ſon and the heirs male of his body, remainder to *Julian* his ſiſter.

In moſt of the parliaments from the 12 Ed. 2. to the 22 Ed. 3. *William Lengleys* was knight of the ſhire for Weſtmorland.

In the 34 Ed. 3. *John* ſon of *Robert L'Engleys* made a ſettlement of his eſtate at Little Aſby; Henry de Sandford, parſon of Croſby Gerard, being a truſtee in that ſettlement.

In the 43 Ed. 3. on an inquiſition of knights fees in Weſtmorland, it was found, that *Robert Lenngleys* then held Little Aſby.

The ſaid *Robert* had a ſon *Thomas Engliſh* knight, who died before his father, and was the laſt of the name at Little Aſby. He had iſſue only a daughter, *viz.*

Idonea Engliſh, who was married to *Edmund de Sandford*, a younger brother of Sir *William Sandford* of Sandford in the pariſh of Warcop knight.

The ſaid family of *Engliſh* had conſiderable poſſeſſions in the pariſh of Aſkham. And *Idonea* removed with her huſband to Aſkham; and they were the founders of the family of *Sandford* both at Aſkham and Howgill. She married to her ſecond huſband Sir *Thomas Ughtred:* And in the 15 Ric. 2. we find, that *Thomas Ughtred* and *Ydonia* his wife, as of the right of the ſaid *Ydonia*, held the manor of Little Aſkeby, by homage and fealty and the cornage of 2*s* 10*d*.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that *Robert de Sandeford* held the ſame. Which *Robert* ſeems to have been ſecond ſon of the ſaid *Edmund* and *Idonea*, his elder brother *William* having died without iſſue. For by an inquiſition of the ſervices of knights and others, free tenants, holding of Thomas de Clifford as of his barony of Weſtmorland, in the 31 Hen. 6. it is found, that *Robert Engleys* heretofore held Little Aſkby, and paid for the ſame *ad cornagium* 2*s* 10*d*, and owed wardſhip, marriage, re-

lief, and ſuit to the county court. And now *Thomas Dalamore* eſquire holds the ſame, as of the right of *Margaret* his wife, late wife of *William Sandford* elder brother of *Robert Sandford* eſquire, which *Margaret* had the ſame vill in jointure with the aforeſaid *William* her late huſband, the reverſion thereof belonging to the ſaid *Robert*.

Soon after this, we find *Thomas Sandford* (ſon of the ſaid *Robert*) holding the ſame by the like ſervices.

In the 18 Hen. 8. *Thomas Sandford* of Aſkham eſquire held the ſame. Which *Thomas* had two ſons; *Thomas*, the elder, who continued at Aſkham; and *Richard*, the younger, who had Howgill; unto which younger branch acceded alſo little Aſby, and continued in the Sandfords of Howgill till failure of iſſue male, when the ſame was transferred by marriage of *Mary* daughter and heir of Sir *Richard Sandford* of Howgill baronet to *Robert Honywood* of Mark's hall in Eſſex eſquire; whoſe ſon, lieutenant general *Philip Honeywood*, now enjoys the ſame.

At Little Aſby was a *chapel*, dedicated to St. Leonard; unto which *Richard le Engliſh*, parſon of Aſby as aforeſaid, gave a meſſuage and 6 acres of land for the eſtabliſhing a chantry therein.

In digging of peats within this manor, nigh the Eaſt end of Sunbiggin tarn, about 40 years ago, were found the horns of two large bulls, jumped together in the poſture of fighting; one of them probably having puſhed the other into the mud, where they had both ſunk. The reſt of the ſkeletons could not be recovered, by reaſon of the water oozing in. One pair of theſe horns was carried to Howgill caſtle, where they are yet to be ſeen.

V. GARTHORNE.

This manor ſeems to have belonged to the hoſpital of St. Leonard's York. At leaſt part of it did; for in the 9 Ed. 1. the ſaid hoſpital had a grant of free warren in Docker and Garthorne. And it doth not appear to have been held at any time of the Veteriponts or Cliffords.

A ſmall part of it is in the manor of Croſby Ravenſworth. It belonged heretofore to the *Pickerings*, and was ſold by Sir *Chriſtopher Pickering* of Ormſhead in the reign of king James the firſt to Sir *James Bellingham* of Over Levins. Sometimes a branch of the family of *Bellingham* reſided at Garthorn hall. *Alan Bellingham* eſquire, in the reign of king Charles the ſecond, ſold the ſame to colonel *James Grahme*, anceſtor of the preſent owner Henry earl of Suffolk and Berkſhire.

PARISH OF ORMSIDE.

ORMSIDE is a corruption (as moſt of the names of places and perſons have been corrupted in ignorant times) of *Ormes-head*, or (which is the ſame) *Ormeſheved:* And had its name probably from ſome owner of the name of *Orme*. *Orme*, governor of Appleby caſtle (father of Coſpatric), who lived in the reign of king Henry the ſecond, we have often had occaſion to mention. That this place had its name from him, we cannot affirm: but rather it ſeems to have been from ſome other of the name before that time.

This pariſh is bounded on the Eaſt by the pariſh of Warcop; on the South, by the pariſhes of Warcop and Aſby; on the Weſt, by the pariſh of St. Laurence Appleby; and on the North, by the pariſhes of St. Laurence and St. Michael's Appleby.

Who the church was dedicated to, we have not found. It is a rectory, in the patronage of the biſhop of Carliſle; rated in the king's books at 17*l* 17*s* 3½*d*. The clear yearly value, as certified to the governors of queen Anne's bounty, 40*l*.

This church was appropriated to the abbey of St. Mary's York. And in the year 1248, the abbot and convent granted to the biſhop of Carliſle the advowſon of Ormeſheved; reſerving to themſelves their uſual penſion out of the ſame.

In the year 1294, *William de Goſford*, prieſt, was collated to this rectory by biſhop Halton.

In 1321, *John de Morland* was collated by the ſame biſhop.

In 1343, Sir *Robert de Riſindon* appears to have been rector of Ormeſheved; a diſpenſation being then granted to him of abſence for three years upon account of ſtudy.

In 1362, Sir *John de Grete*, chaplain, was collated by biſhop Welton; and two years after had a diſpenſation of abſence, by reaſon of his attendance on the lord Clifford.

In 1367, Sir *Robert Bix*, chaplain, was collated to the vacant rectory of Ormeſheved by biſhop Appleby.

In 1406, one of the truſtees in a ſettlement of the manor of Ormeſheved made by John de Barton of Ormeſheved and Alice his wife, was *Richard de Colleby*, parſon of the church of Ormeſheved.

In 1565, on the death of Sir *Chriſtopher Parker*, rector of Ormeſhead, Mr. *Richard Towlſon* was collated by biſhop Beſt.

In 1569, on the death of Richard Towlſon, the ſame biſhop collated Sir *John Watſon* clerk.

In 1571, Mr. *John Barnes* was collated by biſhop Barnes.

In the next year, on his reſignation, the ſame biſhop collated Mr. *John Corry*.

Three years after this, on Mr. Corry's reſignation, the ſame biſhop collated Mr. *Lancelot Manfield*.

In 1582, on the death of Lancelot Manfield, Sir *John Braythwaite* clerk was collated by biſhop May. And in the year 1585, this John Braythwaite reſigned his rectory, before a public notary and other witneſſes. But the biſhop ſeems not preſently to have accepted his reſignation, for no ſucceſſor was appointed till two years after, when the ſame biſhop collated *John Hudſon* clerk.

In 1591, on the death of John Hudſon, the ſaid biſhop May collated *Richard Burton*, M. A. in deacon's orders.

In 1635, on the reſignation of Richard Burton, *Robert Symſon*, M.A. was collated by biſhop Potter.

In 1661, *Barnaby Symſon*, M. A. was collated by biſhop Sterne.

He was ſucceeded by *John Symſon* clerk; on whoſe death, *Thomas Nicolſon*, A. B. was collated by biſhop Waugh, in 1726.

And in the next year after, on the ceſſion of Thomas Nicolſon, *William Nicolſon*, M. A. was collated by the ſame patron.

In 1731, on the death of *William Nicolſon*, *Thomas Cautley* clerk was collated by the ſame biſhop.

In 1762, on the death of Thomas Cautley, *William Preſton*, M. A. was collated by biſhop Lyttelton.

The *church* of Ormſide, as alſo the pariſh, is but ſmall. It ſtands near unto the hall. It hath a tower ſteeple, with two little bells. There is an ile on the north ſide belonging to the lord of the manor.

In the MANOR of Ormſide there are two hamlets or villages, diſtinguiſhed by the names of *Great Ormſide* and *Little Ormſide*, perhaps after *Little Ormſide* was parted from the reſt of the manor.

GREAT ORMSIDE is pleaſantly ſituate, on the ſouth ſide of the river Eden; and contains about 20 families.

The firſt perſon of note that we have found with certainty at Ormſide, was in the reign of king John, namely, *John de Ormeſheved*; who, together with Robert de Boell, in the 4th year of the ſaid king, was appointed to receive poſſeſſion of Appleby caſtle, in behalf of Robert de Veteripont, to whom the king then firſt granted the ſame during his pleaſure. The writ for delivery thereof was thus: "The king, *&c.* To W. ſon of Peter, *&c.* Know ye, that "we have committed to our truſty and well beloved Robert de Veteripont "our caſtles of Apelby and Burgh, and the whole bailiwick of Weſtmerland, "with all their appurtenances, to be kept by him during our pleaſure. And "therefore we command you, that without delay you deliver up to Robert de "Boell and *John de Ormeſheved* ſerjeant (ſervienti) of the ſaid Robert de Ve-"teripont, on the behalf of the ſaid Robert de Veteripont, the ſaid caſtles "and the whole bailiwick of Weſtmorland, with all things thereunto belong-"ing." And the like writs were directed to all the tenants of the honour of Apelby and Burgh and the whole bailiwick of Weſtmorland to be obſervant of him during ſuch time.

In the 8th year of the ſame king, when Maud the daughter of Torphin de Wateby granted to the ſaid Robert de Veteripont all her lands in Weſtmorland,

land, one of the witneſſes to the confirmation thereof by her ſecond huſband Philip de Burgo, was *John de Ormeſheved then ſheriff of Weſtmorland* (under the ſaid Robert de Veteripont).

In the 36 Hen. 3. to a grant of lands at Appleby by the laſt Robert de Veteripont to one Richard Clerke during his life, one of the witneſſes was *Robert* ſon of *Guy de Ormeſheved.*

In the 14 Ed. 1. *John de Ormeſheved*, ſon of *Robert*, lord of the manor of Ormeſheved, granted to *John* his ſon and heir, certain lands in Ormeſheved, abutting on the lands of Simon ſon of *Robert* ſon of Eudo de Ormeſheved; and alſo lands in Little Ormeſheved, together with the homage and ſervices of John de Roſgill for his lands there. Witneſſes; Michael de Harcla then ſheriff of Weſtmorland, John de Terriby, and others.

In the ſame year, *John de Veſcy* held part of the manor of Ormeſheved of the two daughters of Robert de Veteripont. By the inquiſition it ſhould ſeem that he held the whole manor, but it appears clearly afterwards that he held but a moiety; and the inquiſitions often expreſs the whole inſtead of a part.

In the 3 Ed. 2. *John de Derwentwater* held the manor of Ormeſheved. And again, in the 8 Ed. 2. after the death of Robert lord Clifford, *John de Derwentwater* held the manor of Ormeſheved; the wardſhip whereof, when it ſhould happen, was worth 10*l*; the cornage, 13*s* 6*d*.

And in the 43 Ed. 3. *John de Derwentwater* held the ſame. So in the 15 Ric. 2. and again in the 4 Hen. 4. *John de Derwentwater* held the ſaid manor.

In the 8 Hen. 4. *John de Barton* and Alice his wife made the ſettlement aforeſaid of the manor of Ormeſheved.

In the 10 Hen. 5. *Nicolas de Radcliff* and *Elizabeth* his wife (daughter of *John de Derwentwater*) held the manor of Ormeſhead, in right of the ſaid *Elizabeth.*

In the 30 Hen. 6. there is a letter of attorney from Robert Warcop junior, *Thomas Barton* of Ormeſhead, and Chriſtopher Sourby chaplain, to Richard Martendall of Patterdale, to deliver ſeiſin to *John de Barton* and Katherine his wife of lands in Ormeſhead, Great Salkeld and Great Aſby.

In the 31 Hen. 6. *Thomas Ratcliffe* held a moiety of Ormeſhead immediately of Thomas de Clifford, called *Ormeſhead Veſcy*, becauſe holden heretofore by *John Veſcy*; and *John Barton* held the ſame of *Thomas Radcliffe.*

In the ſame year there was a diſpute between *John Barton* of Ormſhead eſquire, and the chantry prieſt of the chapel or chauntry of our lady in Appleby, concerning a watergate and common of paſture on Ormſhead moor; which was referred to Sir William Stowe knight and commander of the mount of St. John, Sir Robert Lowther of Lowther knight, Richard Riſtwald of Appleby gentleman, and Roland Barton of Newcaſtle upon Tyne clerk: Upon which they made an award; the particulars whereof we have inſerted in treating of the chantries at Appleby.

In the 18 Hen. 8. *Cuthbert Radcliffe* held the manor of Ormſhead, and *Robert Barton* held the ſame of the ſaid *Cuthbert*, as is ſuppoſed (ſo the inquiſition expreſſeth it) as of the heirs of *Derwentwater.*

In the 20 Hen. 8. *Robert Barton* of Mekil Ormeſhead eſquire makes a ſettlement of his manors of Mekil Ormeſhead and Littel Ormeſhead, and his lands there, as alſo at Great Aſby, Patterdale, Sandwyk, and Pullo, in the county of Weſtmorland, and his lands in Yorkſhire and Northumberland, upon his couſin *Henry Barton* of Chempsforth in the county of Eſſex gentleman, remainder to *Thomas Barton* of Warcop, remainder to *Andrew Barton* of Smythylls in the county of Lancaſter, remainder to *John Barton* of Whenby in the county of York in tail male, remainder to his own right heirs. And the ſaid *Henry* covenants, that he ſhall not be married nor affied to no woman by the ſacrament of matrimony, without the aſſent and conſent of the ſaid *Robert*.

In the 29 Hen. 8. there is a releaſe by Iſabella Hylton widow of Richard Hylton of Burton; one of the ſiſters and coheirs of the late *Robert Barton* of Ormeſhead gentleman, to Robert Pulleyn gentleman, and Thomas Hilton gentleman ſon and heir of the late Robert Hilton of Burton gentleman, of all her right in the lands deſcended to her from her ſaid brother in Weſtmorland, Cumberland, and Northumberland. Witneſs (amongſt others) *Henry Barton* of Ormeſhead.

In the 30 Hen. 8. there is an award between *Henry Barton* of Ormeſhead gentleman, and divers other perſons, concerning lands late belonging to *Robert Barton* deceaſed; wherein it is awarded, that Henry ſhall enjoy the manor of Mikil Ormeſhead, and lands in Littel Ormeſhead and other places.

In the 33 Hen. 8. there is an exchange of lands at Ormeſhead, between Roland Hartley and *Henry Barton* of Great Ormeſhead gentleman.

Finally, in the reign of queen Elizabeth, *Thomas Barton* (probably the next in the intail) ſold the manor of Great Ormeſhead, to Sir *Chriſtopher Pickering* knight, of the family of the *Pickerings* of Croſby Ravenſworth.

The ſaid Sir *Chriſtopher Pickering* died without ever having been married; and gave the manor of Ormſide to *Frances* his natural daughter, who was married to *John Dudley* of Dufton eſquire, of the family of the Dudleys of Yanwath: Who dying without iſſue by her, ſhe married again to *Cyprian Hilton* of Burton eſquire, who had with her the manor of Ormſide: Rutter, which was part of the demeſne, was ſold to Mr. Williams of Johnby in Cumberland.

She had to her ſaid huſband *Cyprian Hilton*, a ſon *Chriſtopher*; who had a ſon *Cyprian*; who had a ſon *Chriſtopher*; who had a daughter *Mary*, married to *Thomas Wybergh* of Clifton eſquire, in whoſe time the manor was ſold to *George Stephenſon* of Warcop eſquire, who died inteſtate and without iſſue, and his eſtate deſcended to two coheirs, ſiſters of his father *John Stephenſon* gentleman, and upon the partition thereof this manor came to the ſhare of John Fawell of Temple Sowerby gentleman, grandſon of Anne the elder ſiſter, who in the year 1770 ſold the ſame to Sackville earl of Thanet.

In the aforeſaid north ile of the church is the burying-place belonging to the hall; wherein is one large grave ſtone, upon which are three inſcriptions on ſo many plates of braſs; *viz.* 1. The epitaph of Sir *Chriſtopher Pickering* knight, who died Jan. 14, 1620; having been five times ſheriff of Cumberland. 2. Of *Cyprian Hilton* eſquire, who died Dec. 22, 1652. 3. Of *Cyprian Hilton*

Hilton eſquire, who died Dec. 27, 1693; aged 34: and left three ſons and five daughters.

The *hall* is an ancient tower houſe, built like the reſt of the old houſes in this country, as a place of defence. There is a well that ſprings under the kitchen within the houſe.

The tenants have been moſtly purchaſed free, probably when part of the manor and demeſnes were ſold off.

In the year 1689, behind the church in the river Eden, on the ſouth ſide next the hall, were found ſeveral veſſels of braſs, ſome of which ſeemed to have been gilt. The river expoſed them by waſhing away the ſoil. They ſeemed not to be ancient. Upon one of them were the letters F D, ſuppoſed to ſtand for the name of Frances Dudley, widow of John Dudley aforeſaid, and daughter of Sir Chriſtopher Pickering. They were buried probably during the civil wars in the reign of king Charles the firſt.

Little Ormside, about half a mile ſouth-eaſt from the church, contains about eight or nine families. The tenants ſeem to have been purchaſed off from the manor of Ormſide at large, and are now within the manor of Gathorne in the pariſh of Aſby. But moſt of them, in like manner as of Great Ormſide, have been infranchiſed.

In the ſaid manor of Ormſide is a ſingle hall houſe called Breeks, about half a mile ſouth from the church. There is a freehold demeſne belonging to it, formerly ſold off from the reſt of the demeſne by Thomas Barton eſquire to his brother William; whoſe ſon Robert Barton ſold it to John Pattenſon attorney at law in Penrith, who had a ſon Thomas, who had a ſon Lancelot, father of the preſent owner Thomas Pattenſon of Melmerby eſquire.

PARISH OF RAVENSTONDALE.

THIS pariſh hath its appellation from a brook of the name of *Raven* running through it; in like manner as the village Renwick (Ravenwick) in Cumberland. It was commonly of old time written *Ravenſtandale:* So there was *Stanmore* in the pariſh of Brough.

The pariſh is bounded on the Eaſt by the pariſh of Kirkby Stephen; on the South, by the pariſhes of Kirkby Stephen and Sedbergh; on the Weſt, by the pariſh of Orton; and on the North, by the pariſhes of Croſby Garret and Kirkby Stephen: And contains about 225 families; whereof 59 are diſſenters.

The church is ſaid to be dedicated to St. Oſwald *. It is a perpetual curacy, in the patronage of Sir James Lowther baronet.

* Machel.

The

The manor, with the advowſon appendent, was granted by Torphin ſon of Robert, ſon of Copſus, to the priory of Watton of the order of Sempringham in Yorkſhire. Which Torphin ſon of Robert ſeems to be the ſame perſon who gave the manor of Blaterne to the abbey of Byland, and who lived in the reign of king Henry the ſecond. But the church was not appropriated to the ſaid priory of Watton till the year 1336, *Gilbert de Wiggeton* the rector then reſigning *.

The tenor of Torphin's grant is ſet forth in an account given to the reverend Thomas Machel, by Mr. Anthony Prockter curate of Ravenſtondale and Mr. George Fothergill of Tarnhouſe; as alſo in a manuſcript written in the year 1645, by Anthony Fothergill of Trannahill, great grandfather of the late Mr. Anthony Fothergill of Brounber, whoſe account was taken from an office copy of the charter of donation remaining amongſt the evidences in the tower or palace of the late abbey of St. Mary without the walls of York; which tower was blown up with gunpowder by Oliver Cromwell in the year 1644, and this with many other valuable charters belonging to the religious houſes was thereby deſtroyed and loſt. The ſaid charter was (in Engliſh) as follows: "Know all men preſent and to come, that I Torphin ſon of Robert ſon of "Copſus have given, and by this my charter confirmed, to God and the "bleſſed virgin and all the holy men ſerving God in the monaſtery of Wat- "ton, all the whole vill of Ravenſtandale, with that part of the vill called "Newbiggin, with the boundaries and limits thereof as well without the vill "as within; that is to ſay, from the head of Beverſdale, as the water of "Beverſdale runs till it comes into the water of Tebey; and from thence "by Hanſcus to the Blea Tarn; and from thence into Raſett; and ſo to "Couling ſtones; and from Couling ſtones to Skeat beck runs into Smerdale "beck; and ſo by Smerdale beck till it comes to Smerdale Flatt; and from "thence till it come to the higheſt place on Aſhfell; and ſo to Tarn wath "hole; and from Tarn wath hole, as Kirkby way goes, till it come at Scan- "dal water; and ſo going up that water into a path-way that goes to Mal- "lerſtang ſcarth; and then on the top of Wildboar fell to the head of the "water of Ulnedale; and as the water of Ulnedale runs till it come into the "water of Rothay; and as the water of Rothay runs till it come betwixt "Waſhingham and Keldon; and from thence to the head of Beverſdale."

Newbiggin being particularly mentioned in this grant (which is a part of Ravenſtondale) ſeems to have been in reſpect of a chapel which anciently ſtood there, at the north end of the village; which chapel probably was dedicated to St Helen, there being a ſpring near the ſame called St. Helen's well.

This order of Sempringham, unto which the priory of Watton belonged, was founded by St. Gilbert at a place of that name in Lincolnſhire, in the year 1148. They had very large privileges granted to them by ſeveral popes and kings of this realm.

Pope Celeſtine the third, who came to the ſee in 1191, granted to them a privilege of exemption from payment of tithes of lands which they had in

* Todd.

their

their own cultivation, which being reſtrained by the general council of Lateran in the year 1215 to the tithes of ſuch lands as they were in poſſeſſion of before the ſaid council, and divers ſpiritual judges refuſing to admit their exemption, pope Honorius the third directed a ſpecial commiſſion to the abbots of Kirkſtede, Reveſley, and Barlinges, to inforce by ſpiritual cenſures the ſaid privilege of exemption, modified by the decrees of the ſaid general council, that is, of ſuch lands as they were in poſſeſſion of before the ſaid council, but not of lands acquired or to be acquired after the ſaid council.

And king Henry the third, in the year 1225, being the eleventh year of his reign, reciting the privileges that had been confirmed to the ſaid order by his father king John, extends the ſame to other houſes of that order then newly eſtabliſhed; and grants as follows:

" Henry by the grace of God, *&c.* Know ye, that we have taken into " our hand, cuſtody, protection, and defence, the houſe of Sempringham, " and all the houſes of that order [ſixteen in number, of which Watton is " expreſſed to be one] together with the maſters, priors, canons, and monks " of the ſaid order, and all their ſervants, tenants, lands, and other poſſeſ- " ſions, as our own ſpecial and free alms. Wherefore we will and firmly " command, that they hold all their tenements well and in peace, freely and " quietly, and intirely, and fully, and honourably, in wood and in plain, in " meadows and paſtures, in waters and fiſheries and vivaries, in ſtream and " ſtrand, in foreſts, in mills, and in ponds, in tofts, and crofts, and under- " woods, in ways and in paths. And they ſhall be quit, as well themſelves " as their men, in city and town, in markets and fairs, in the paſſage of " bridges and ports of the ſea, and in all places throughout all England and " Normandy, and through all our lands and waters, from toll, and pontage, " and paſſage, and pedage, and leſtage, and ſtallage, and hidage, and carucage, " and wardings, and works of caſtles and bridges and parks and walls and " trenches, and taxes, and tributes, and armies, and ſervices in the foreſts in " all places where their poſſeſſions lie" [and particularly in Weſtmorland throughout the whole foreſt of Malreſtang]; " and from all gelds, and dane- " gelds, and woodgelds, and fengeld, and horngeld, and footgeld, and peny- " geld, and trithingpeny, and hundredspeny, and from miſkenning, and from " thenage, and from headpeny, and buckſtall, and triſt; and from all fines, " amerciaments, and forfeitures, and aids, and wapentac, and cities, and " trithings, hundreds, and ſhires, and thenementale; and from murder, and " robbery, and conſpiracies, and outlawry; and hamſoken, grithbreach, blood- " wite, footwite, and foreſtal, and hengwite, and lairwite. And they ſhall be " free from ſcott, and wardpenny, and bordeſhalfpeny; and from all car- " riage, and ſumage, and navage, and building, and all other kinds of " work about the king's houſes; and from all aids of ſheriffs and their officers, " and ſcutage, and aſſiſes, and gifts, and ſummonſes, and tallages, and frank- " pledges, and from borthevenlig, and all pleas, and plaints, and occaſions, " and cuſtoms, and from their beaſts to be taken by diſtreſs, and from all " earthly ſervice and ſecular exaction. And their woods ſhall in no wiſe be " taken for the aforeſaid works or any other. And they ſhall have their own

" court

" court and judicature, with ſak, and ſoke, and thol, and theam, and infang-
" thief, and outfangthief, and flemensfrith, and ordel, and oreſte, within
" time and without, with all other free cuſtoms, and immunities, and liber-
" ties, and of all pleas, plaints, and quietances. And we do prohibit, that
" no ſheriff or officer, or other perſon, great or ſmall, within their poſſeſ-
" ſions ſhall preſume to take any man, bind, beat, ſlay, or ſhed blood, or
" commit any other rapine or violence; or diſtrain their beaſts on the lands
" of their ſaid poſſeſſions; nor detain any of their bondmen, fugitives, or
" chattels; nor in any wiſe hinder their men coming to their mills; nor
" trouble them or their men for any cuſtom, ſervice, or exaction, or any other
" cauſe, in reſpect of their goods which their men can ſwear to be their own;
" but they ſhall be quit of all cuſtoms and exactions and occaſions, and ge-
" nerally of all things in all manner of ways which do or ſhall belong to us,
" our heirs and ſucceſſors: Except only the juriſdiction of life and limb.
" Alſo we grant to them in perpetual alms the amerciaments and forfeitures
" of their men of all pleas whereſoever they ſhall be judged, whether in our
" court, or in any other, ſo far as to us appertaineth. And if it ſhall hap-
" pen that any of their men ſhall be condemned to death, or loſs of limb, or
" perpetual baniſhment, the aforeſaid canons and monks ſhall have all their
" chattels without any gainſaying: Saving to us by our officers the execution
" of the judgment of life and limb. And if any perſon ſhall claim any thing
" againſt any of the ſaid houſes in reſpect of their poſſeſſions, or vex or im-
" plead them in any wiſe, we prohibit that they anſwer not for any thing, nor
" enter into plea, and that no man cauſe them to be impleaded, unleſs before
" us or our heirs, or before our juſtices itinerant."——And he extends the ſaid privileges to three houſes of that order then newly founded (that is, after the grant of king John's charter above referred to).

King Edward the third, by his charter in the 4th year of his reign, reciting the charter of king Henry the third *verbatim*, confirms all the aforeſaid privileges, and further grants them a freedom from pannage and murage; extending the ſame to another houſe of that order then newly founded, called the houſe of St. Edmund of Cantebrigg.

And finally, king Henry the ſixth, in the 16th year of his reign, reciting by Inſpeximus the ſaid charters of king Henry the third and Edward the third, confirms the ſame " by the advice and aſſent of the lords ſpiritual and tem-
" poral in parliament aſſembled *."

By this it appeareth, that beſides freedom from toll and other perſonal or pecuniary charges, they had alſo a privilege of ſanctuary throughout their whole poſſeſſions, ſo that the ſheriff or other the king's officer might not enter to apprehend any offenders, but they were to be tried before the ſteward of the manor by a jury of the tenants, and puniſhed according to the ſentence of that court: Except only in caſes of life and member; and in ſuch caſe they were

* Theſe grants of privileges being more full and ample than any other we have met with, and withal the original charter from whence our copy was taken having been deſtroyed by blowing up the tower of St. Mary's at York as aforeſaid, and no printed copy extant thereof that we know of, we have inſerted a copy of king Henry the ſixth's charter in our Appendix, N° II.

to be tried within the manor by commiſſioners (as it ſeemeth) to be appointed by the crown; and the priory was intitled to the goods of the felons attainted.

In purſuance of theſe grants, the aforeſaid manuſcript of Anthony Fothergill ſets forth, that if a murderer fled to the church or ſanctuary, and tolled the holy bell (as it was called), he was free; and that if a ſtranger came within the precincts of the manor, he was ſafe from the purſuer. And he adds, "Of our own knowledge, and within our own memory, no felon (though a "murderer) was to be carried out of the pariſh for trial. And one Holme, "a murderer, lived and died in Ravenſtondale; whoſe poſterity continued for "two generations, and then the family became extinct." And to this day there is a place within the lord's park, in ſight of the ancient highway leading from Kirkby Stephen to Kendal, called by the name of Gallow-hill.

Amercements for bloodſhed and other crimes not being felony were very frequent not many years ago, and the juriſdiction with regard to theſe offences undoubtedly ſtill continues, for no act of parliament hath taken it from them. The privilege of ſanctuary was aboliſhed in this as in all other places by act of parliament in the reign of king James the firſt, and many other of the aforeſaid privileges have been taken away by other acts of parliament, others have been loſt perhaps by diſuſe, and others have become obſolete by the alteration of circumſtances.

The lord of the manor hath ſtill the juriſdiction of probate of wills and granting letters of adminiſtration; which privilege is not mentioned in any of the aforeſaid ancient grants, being of prior origin to the inſtitution of the order of Sempringham. The juriſdiction of wills and adminiſtrations anciently belonged to the county court; in which court all cauſes of eccleſiaſtical as well as of temporal cognizance (not being criminal) were determined. Out of the county court, were derived the courts baron; and with theſe the juriſdiction of wills and adminiſtrations was transferred to many of the lords of manors; and their claim hath been more eſpecially favoured, where the manor belonged to any of the religious ſocieties.

In this manor the ſteward of the lord's court alſo adminiſters the oath of office to the churchwardens of the pariſh; but offences of eccleſiaſtical cognizance are inquirable only by the ordinary of the dioceſe. And in all other reſpects, as in granting licences of marriage, ordering and diſpoſing matters relating to the church, accounts of the churchwardens, and other particulars of eccleſiaſtical inquiry, this pariſh hath no peculiar exemption from the epiſcopal juriſdiction *.

The

* In the regiſter of Wetheral priory, there is an entry of a claim of privilege belonging to that priory, made by the abbot of St. Mary's York before Hugh de Creſſingham and others juſtices itinerant at Carliſle, in the 20 Ed. 1. viz. "The abbot of St. Mary's York claimeth this liberty "and cuſtom, that all felons coming to his liberty of Wederhal, for felony committed *out* of his "liberty aforeſaid, and coming to the church of the aforeſaid liberty, and tolling a bell, and mak-"ing oath before the bailiffs of the ſaid liberty that hereafter they will behave themſelves well and "faithfully, ſhall remain in that liberty within the boundaries thereof at their pleaſure: That is to "ſay;

The aforeſaid king Henry the third, in the 36th year of his reign, granted to the monks of Watton a privilege of free warren in Watton and Stancton in the county of York, and in Ravenſtondale and Langdale in the county of Weſtmorland.

In the 14 Hen. 8. a *Quo warranto* was iſſued againſt the prior of Watton, to ſhew why he claimed to have divers liberties in the manor of Ravenſtandale and ſeveral other manors *.

And in the 27th year of the ſame king, John Kite biſhop of Carliſle cited *ex officio* the prior and convent of Watton, to ſhew their title to the church of Ravenſtandale; who, having made proof thereof, were diſcharged by the biſhop from the ſaid ſuit †.

After the diſſolution of the monaſtery, king Henry the eighth granted the ſaid church and manor to the archbiſhop of York during his life; and in the 38th year of his reign, Nov. 5. he granted the reverſion thereof to Sir Thomas Wharton knight, lord Wharton; amounting, over and above certain repriſes allowed in the particulars, to 93*l* 11*s* 8*d* yearly. For which, the ſaid lord Wharton was to pay 935*l* 16*s* 8*d*, being ten years purchaſe, at three different payments, the firſt payment of 235*l* 16*s* 8*d* to be at the nativity of St. John Baptiſt next, 350*l* at Chriſtmaſs then next following, and 350*l* at the next Chriſtmaſs after ‡.

And by a rental of the particulars, it appears, that the park and demeſne there were rated at 100*l* a year; and the rectory (including the profits of

" ſay; between the croſs which is on the bank of Eden towards Cork by, and the croſs which is " by the chapel of St. Oſwald on the ſide of the water of Eden next to Corkeby; and between the " croſs which ſtands nigh the Loge upon the bank of the aforeſaid water, and the croſs which " ſtands nigh the ſike of Waryewyke, and the croſs which ſtands between the vill of Scotteby and " the Grange of the prior of Wederhale; and ſo by that rivulet to the croſs which ſtands upon the " bank of the aforeſaid rivulet nigh Cumquityn; and ſo from the aforeſaid croſs to the boundaries " of the prior of Wederhale and the vill of Cumquityn upon Lytiltwaite; and ſo from Lytiltwait " unto Lencraike, which is upon the bank of the water of Eden; and ſo unto Wederhale, and to " the aforeſaid croſs on the bank of Corkeby nigh the ſaid grange of the prior." The caſe was, one Richard Gener (with two other perſons) coming nigh unto the houſe of Roger ſon of Martin, and ſtriking his dog, the ſaid Roger came out of the houſe with a ſword in his hand, and therewith ſtruck the ſaid Richard under the navel up to his heart, ſo that he inſtantly died of the wound. Upon this, the murderer fled to the liberty of the prior of Wederhale, and ſtayed there from Candlemaſs until Michaelmaſs, and upon the king's coming into theſe parts he fled into Scotland. And the abbot being called, came by his attorney, and pleaded that the aforeſaid Roger came into his ſaid liberty after the felony was committed, and tolled a certain bell in the church, and ſwore before the bailiffs of the liberty that for the future he would demean himſelf well and faithfully, ſo was admitted to ſtay there as long as he pleaſed, ſo that he went not out of the bounds of the ſaid liberty; and that he and his predeceſſors had uſed that cuſtom in the ſaid liberty time out of mind. Which thing being put upon inqueſt, the jurors find, that the ſaid abbot and his predeceſſors had uſed the ſaid cuſtom which the ſaid abbot claimed time out of mind, and without interruption. It was therefore granted, that the ſaid abbot go without day; ſaving the king's right, if he ſhall conteſt the ſame at any other time.—But in another plea, concerning the reception of William Provoſt of Wederhale and Matthew Symundcham, who killed Robert Schawel of Great Corkeby in the night-time in the fiſhery of Wederhale *within* the liberty aforeſaid, the abbot declared, that he did not claim any refuge there for felons committing felony within the ſaid liberty, but only for thoſe who came for refuge for felony committed out of the ſaid liberty.

* Dugd. MSS. † Nicolſon. ‡ Harleian MSS. 7389. pag. 44.

weddings,

weddings, churchings, mortuaries, and burials) at 132*l* 19*s* 6½*d*. Outpayments to be diſburſed, To Edward Myneſe ſchoolmaſter his ſtipend 20*l*. To Mr. Toppin curate, with 10*s* for an horſe, his wages 8*l* 16*s* 8*d*. To the buſhopp of Carlioll for ſynage money 4*s*.

The ſaid rectory and manor continued in the family of Wharton till the late duke of Wharton's time, when the ſame were ſold, together with the other Wharton eſtates in Weſtmorland, to Robert Lowther eſquire father of the preſent owner Sir James Lowther baronet: Except the great and ſmall tithes and oblations within this pariſh; which were ſold to the inhabitants and landowners. For none of theſe tithes or other dues were ever ſet out for the uſe of a vicar, but the cure was ſupplied occaſionally by regulars ſent out from the monaſtery; and the church continues to this day, not a vicarage, but only a perpetual curacy.

To the *curate* there belongs a ſmall thatched dwelling-houſe, with other like outhouſing; and a garth and garden adjoining: The ſame being a meſſuage and tenement which heretofore belonged to one William Robinſon ſchoolmaſter of Ravenſtondale, and on his dying without a will, eſcheated to the lord. Whereupon Philip lord Wharton gave the ſame for the uſe of the curate. To the ſaid curate alſo belong two cloſes called Haber and Muffelgill, given by one Hodgſon; one parcel of ground adjoining to the backſide of the church, called the Orchard, given by the aforeſaid Anthony Fothergill of Trannahill, and one Bovell and others in Ravenſtondale. Half an acre of land, given by William Chamberlain of Waingarth. The whole glebe and houſes are now worth about 18*l* a year. The ancient ſalary paid out of the rectory, 8*l* a year. The reverend William Morland of Winton (ſometime rector of Grayſtock) gave to this church 100*l*, for which 5*l* intereſt was to be paid till ſome perſon would give more: Whereupon Mr. George Fothergill of Tarnhouſe took the ſaid 100*l*, and granted for the ſame a rent charge iſſuing out of his manor of Blaterne of 5*l* 1*s* a year. John and Iſabel Fothergill of Brounber gave 20*l*, wherewith land was purchaſed, now let for 27*s* a year, for a ſermon to be preached annually on the tenth day of Auguſt. There is another ſmall benefaction of 5*l* given by Henry Fothergill of Newbiggin, the intereſt whereof to be given for a ſermon to be preached yearly on St. Bartholomew's day. The whole revenue of the church (including ſurplice fees) is now worth about 35*l* a year.

The *church* was rebuilt in the year 1744, in an elegant manner. It hath a ſquare tower ſteeple, with three bells. In the old church there were two rows of ſeats below the communion table, where (it is ſaid) the ſteward and jury of the manor ſate formerly, in their court of judicature. And the malefactors were impriſoned in a hollow arched vault, the ruins whereof are ſtill to be ſeen, on the north ſide of the church.

There is alſo an handſome diſſenting *meeting houſe* at Ravenſtondale; for the ſupport of which, Philip lord Wharton gave by his will the ſum of 100*l*, to be laid out in a mortgage as ſoon as might be on ſome eſtate in Ravenſtondale for three years, according to the laudable cuſtom of that manor; the intereſt

thereof to go for the benefit of Mr. Timothy Punchen the then diſſenting miniſter and his ſucceſſors for ever: And the ſame to be laid out in a purchaſe of lands as ſoon as might be convenient: Accordingly, in the year 1693, the ſame was laid out on a mortgage in Ravenſtondale, with a declaration of truſt that the ſame ſhould enure for the benefit of the miniſter, and the mortgage to be renewed every three years according to the cuſtom of the ſaid manor. Beſides this, one Mr. Pindar, a diſſenting miniſter at London, gave to the ſaid meeting houſe 30*l.* John Thomſon of Kirkby Stephen, hoſier, 20*l.* Iſabel Langhorn 6*l.* James and Mary Fawcet 20*l.* George Murthwaite 10*l.* All which ſums have been laid out in the purchaſe of lands. There was alſo 100*l* in money, contributed by Chriſtopher Todd and others; 20*l* of which hath been loſt, and the reſt is let out at intereſt by the truſtees. The reſt of the ſalary is raiſed by voluntary ſubſcriptions. And the whole revenue of the meeting houſe raiſes to the preſent miniſter about 40*l* a year.

In the old church there was a ſmall bell, called the Saint's bell, which was wont to be rung after the Nicene creed, to call in the diſſenters to the ſermon. And to this day the diſſenters, beſides frequenting the meeting houſe, oftentimes attend the ſermon at church.

There was here alſo a *ſchool*, endowed about the year 1668, by Thomas Fothergill, B. D. maſter of St John's college in Cambridge (who was born at Brounber in this pariſh) and others of his name and kindred. In the year 1758, a very good new ſchool-houſe was built by the inhabitants and other contributors. Adjoining to the eaſt end whereof was erected alſo a commodious dwelling houſe for the maſter; towards which, the reverend George Fothergill, D. D. principal of Edmund hall in Oxford, gave 10*l*; the reverend Thomas Fothergill, D. D. provoſt of Queen's college in the ſaid univerſity, gave 20*l*; and the reverend Henry Fothergill, M. A. rector of Cheriton Biſhop in Devonſhire, gave 10*l*; all three brothers, born at Lockholme in this pariſh. Towards the maintenance of a ſchoolmaſter, the aforeſaid Philip lord Wharton gave a rent charge of 5*l* yearly out of his eſtate at Raine in the pariſh of Orton. There was alſo a large ſchool ſtock given by the founders of the ſchool and others. With 140*l* of which ſtock, a parcel of ground was purchaſed at Blaterne, called Horngill, containing 84 acres, now worth about 20*l* a year, which in the year 1703 the truſtees imprudently (and perhaps illegally enough) ſold to Thomas Pattenſon of Breeks gentleman, and accepted for the ſame a rent charge of 6*l* a year iſſuing out of the ſaid Horngill and incloſure called Crowhill. Another eſtate was purchaſed at Foxell Rigg in the pariſh of Sedbergh for 112*l*; which the truſtees in like manner converted into an annuity of 5*l* a year. Another eſtate at Bousfield in the pariſh of Orton was purchaſed for 195*l*, now let for 12*l* a year; which alſo, not many years ago, narrowly eſcaped being converted into a rent charge or annuity; notwithſtanding that, beſides other illegalities, there is a ſpecial clauſe in the deed of ſettlement, that the truſtees ſhall apply the rents and profits of the ſaid eſtates for the uſe of the ſchoolmaſter, and ſhall not make any leaſe thereof for a longer term than 21 years. The continual decreaſe in the value of

of money, and conſequently increaſe in the value of lands, renders all fixed ſums in proceſs of time extremely inadequate.—The whole revenue of the ſchool at preſent amounts to about 30*l* a year.

The pariſh conſiſts of four *Angles* (as they are called), but it is all one manor and conſtablewick. It is ſo long ſince the manor was given away to the priory, that there is no tradition remaining, where the ancient *manor houſe* ſtood. There is a pretty large *park*, lying north from the church, the wall whereof appears to have been about ten feet in height; but there is no remembrance of any deer having been kept there. It was walled about by Philip lord Wharton in the year 1660; the ſum total of the expence thereof being 128*l* 16*s*, beſides *love-boons*, that is, the voluntary labour of the inhabitants of the neighbouring townſhips, who went to get and to lead ſtones for the work. [From which kind of ſervices moſt of the boons in the ſeveral manors probably had their original. And if there had been a park wall to be erected every year, it is not unlikely that a cuſtom might have obtained of boon quarrying and leading ſtones.]

In the cuſtoms of this manor, betwixt lord and tenant, there is much remaining of the ancient military eſtabliſhment. In order to aſcertain theſe cuſtoms, it was agreed upon between Thomas lord Wharton the firſt purchaſer and the tenants as followeth:

" Articles of the cuſtomary tenant-right of the whole lordſhip and pariſh of Ravenſtondale in the county of Weſtmorland, which have been accuſtomed and uſed within the ſaid lordſhip time out of man's memory. All which articles and cuſtomary tenant-right, I the lord Wharton, lord warden of the Eaſt and Middle marches of England for anenſt Scotland, and captain of the king and queen's majeſties town and caſtle of Berwick, am well contented and pleaſed with al. In witneſs whereof I have ſubſcribed my hand the 6th day of October in the 3d and 4th years of our ſovereign lord and lady king Philip and queen Mary.

Firſt, It hath been and is accuſtomed within the ſaid lordſhip, that at the exchange or entrance of any tenant, he pay unto the lord as much fine or graſſom, as the whole year rent of the ſame tenement extendeth unto, and not above.

Item, It hath been accuſtomed within the ſame lordſhip, that all manner of felonies, murders, forfeitures, petty michers, and all other treſpaſſes committed and done within the precinct of the ſaid lordſhip's liberties of Ravenſtondale, either by any of the inhabitants, or by any other foreign perſons, be inquired upon by an indifferent jury taken and appointed by the lord or his officers within the lordſhip in that behalf.

Item, It hath been and is accuſtomed within the ſaid lordſhip, that for all manner of contentions, variances, debates, demands, titles, claims, or tenant-right farm-holds, which have been, is, or ſhall be depending in controverſy, between tenant and tenant, party and party, within the ſaid lordſhip, be fully ordered, determined, and ended, by an indifferent jury and inqueſt taken and appointed

appointed by the lord or his officers there, by the aſſents and conſents of the ſaid parties within the ſaid lordſhip in that behalf.

Item, It hath been and is accuſtomed, that none of the tenants or other perſons ſhall improve, incloſe, or take up any of the common paſture there, without licence of the lord and appointment of the jury taken and elect in that behalf.

Item, It is ordered and agreed, between the lord of the ſame lordſhip and the tenants there, that from henceforth they ſhall break or divide no farm-holds.

Item, It hath been and is accuſtomed, that ſuch a ſon as the father ſhall appoint, being able to ſerve the king and the lord, ſhall be ſet tenant of his father's tenement, before his death or after, agreeing with the lord after the cuſtom there.

Item, It hath been and is accuſtomed within the ſaid lordſhip, that if the tenant have no ſon but daughters, ſuch a daughter as the father ſhall appoint, uſing herſelf honeſtly before the day of her marriage, ſhall have his tenement, agreeing with the lord after the cuſtom there.

Item, It hath been and is accuſtomed, that where any tenant dieth without iſſue of his body lawfully begotten, it ſhall be lawful to the ſaid tenant to aſſign or appoint his tenantright of the ſame tenement, to whom as ſhall pleaſe him, agreeing with the lord as appertaineth thereto in that reſpect."

The cuſtoms of the manor were further explained by indenture between Philip lord Wharton and the tenants, Feb. 12. in the 22 Eliz. as followeth:

" Imprimis, It is declared and agreed, that it hath been and is accuſtomed within the ſaid manor, time whereof the memory of man is not to the contrary, that all the tenants which hold lands or tenements of the ſaid manor, of ancient time by the laudable cuſtom of tenantright, have poſſeſſed and enjoyed the ſame to them, their heirs and aſſigns; paying at the change of every lord, and at the change of every tenant, one year's rent for a fine, and not above, beſides the rent which they pay to the lord: The fine to be paid according to the rent, and not according to the value as the ſame be let.

Item, That the late improved grounds ſhall pay, at the change of lord and tenant, eight years rent, beſides the yearly rent, according to the rent they pay for the ſaid new improved grounds. And the tenants to pay their fines on the change of the lord and tenant, as well for the old, as for the new, upon their admittances.

Item, That every perſon to whom any alienation of any of the ſaid renements ſhall be made, ſhall, at the court of the manor next following the ſaid alienation, by himſelf or ſome other, give notice and knowledge thereof in the ſaid court to him who ſhall keep the ſaid court; and then ſhall take order there for the payment of his fine, according to the rate before expreſſed.

Item, That none of the tenants ſhall divide or ſever their ancient and cuſtomary tenements, or the ſaid new improvements, or any part of them, upon pain of forfeiture; unleſs they do firſt agree with the lord or ſteward or ſome other

other having authority from the ſaid lord ſo to do. In which agreement, it ſhall not be lawful for the lord to augment or increaſe any rent, either of the ancient cuſtomary tenements or of the new improvements, that ſhall be ſo divided; but ſhall divide the rents proportionably, according to the value of the land ſo divided. And this ſhall not be expounded or taken to be a change of a tenant, ſo as the lord ſhall have any fine in that reſpect for the portion ſo divided.

Item, That if any tenant ſhall die without iſſue of his body lawfully begotten, not having in his life by his will in writing, or otherwiſe by any lawful act done in the preſence of four of the tenants of the ſaid manor at the leaſt, aliened or beſtowed the ſame; what lands ſuch tenants ſhall die ſeiſed of ſhall eſcheat to the lord, as if ſuch tenant had been dead without heir general or ſpecial.

It is nevertheleſs declared and agreed, that any of the tenants, having no iſſue of his body lawfully begotten, and being of the age of ſixteen years, may by his laſt will in writing, or by any other lawful act done in the preſence of four of the tenants of the ſaid manor, give and bequeath his tenement to whom he will; the party to whom it ſhall be ſo given, paying upon his admittance 20 years rent for a fine, and not above: and the lord ſhall not refuſe to admit him, ſo that he be an able man to ſerve, and not notoriouſly known to be an enemy to the ſaid lord.

Provided, that a leaſe or demiſe of the manor, or of any tenement, for ſeven years or under, ſhall not be deemed any change of the lord or tenant, whereby any fine ſhall be due; yet any tenant may let his tenement for 21 years in poſſeſſion and not above, the leſſee to whom the ſame ſhall be let for 21 years or under, and above 7 years, paying to the lord a fine as for change of tenant, and giving knowledge of ſuch leaſe at the next court *."

By reaſon of the aforeſaid proviſion for keeping the tenements intire, the ancient military eſtate continues in many places in a great meaſure ſtill unaltered. And by this means, there was a ſufficiency kept up for the maintenance and ſupport of the ſoldier; and the children, except the eldeſt, migrated into other places. And ſo late as the time of biſhop Nicolſon's parochial viſitation in 1703, he was informed at Ravenſtondale by the churchwardens, that they had not had a beggar in the pariſh within the memory of man; and at the

* In Furneſs in the county of Lancaſter, we find the like cuſtoms declared and agreed upon in the reign of queen Elizabeth; amongſt which are the following particulars:—"Item, That no "perſon within this lordſhip make any fray, on pain of 6s 8d; nor blood ſtroke, on pain of "3s 4d; nor ſhall unlawfully chide, on pain of 1s; nor make tuxhill or hubbleſhowe, on pain "of 1s; nor fold breake, on pain of 3s 4d. Item, That no perſon ſlander any juryman, nor any "that giveth evidence to a jury, nor call any perſon thief or perjured, or any woman whore, "except they will juſtify and make proof thereof on pain of 6s 8d. Item, Whereas dividing, "parcelling, and portioning of ancient tenements hath been a great decay and impoveriſhment of "the lord, and chiefly in hindering of the ſervice of her highneſs for horſes, and to the ſpoil and "waſting of her majeſty's woods, and occaſion of making a great number of poor people within "the lordſhip to the impoveriſhment of her highneſs's tenants; it is declared and agreed, that "none ſhall aliene any parcel of his tenement, but intirely, and not by parcels, otherwiſe the bar-"gain to be utterly void of every parcel ſo ſold."

ſame time, they added, that they had never a gentleman among them, except only the *curate* and *ſchoolmaſter*.

And this happy equality in a great meaſure ſtill continues. The moſt conſiderable family ſeems to have been that of Fothergill; which at preſent is very numerous.

In the reign of king Henry the eighth, at the famous rencounter at Sollom Moſs, Sir *William Fothergill* of Ravenſtondale was ſtandardbearer to Sir Thomas Wharton. His arms were; Vert, a ſtag's head couped, within a bordure inverted, Or.

In the reign of king Charles the ſecond, *George Fothergill* of Tarn-houſe eſquire (before mentioned) was clerk of the peace for the county of Weſtmorland. Which houſe was then the only ſlated houſe in this pariſh; whereas now, ſince the elegant covering of blue ſlate was diſcovered, moſt of the houſes in Ravenſtondale are ornamented with that cover. The aforeſaid arms are over the door at Tarn-houſe. In the old church, at the Eaſt end of the South ile were two monuments, with the following epitaphs:

1.

Here lieth the body of George Fothergill of Tarn-houſe eſquire, the Queen's Majeſty's receiver for Weſtmorland, Lancaſhire, and Cumberland. Who departed this life Apr. 26, 1681.

2.

Nov. 19. 1676, was interred under this ſtone, Julian the wife of George Fothergill of Tarn-houſe, ſecond daughter of Richard Skelton of Armathwaite caſtle in the county of Cumberland eſquire.

Thomas Fothergill aforeſaid of Brounber was maſter of St. John's college in Cambridge, and founder of the ſchool at Ravenſtondale as aforeſaid. And Mr. *Anthony Fothergill*, late of Brounber deceaſed, without any aſſiſtance from a liberal education, by the mere force of natural endowments, was the author of ſeveral conſiderable tracts, religious and controverſial: Unto whoſe ſon and heir Mr. *Thomas Fothergill* of Brounber we are obliged for ſeveral of the above particulars relating to this pariſh.

Dr. *George Fothergill* aforeſaid, principal of Edmund hall in Oxford, was one of the moſt eminent tutors of his time, whilſt he was fellow of Queen's college. He was a perſon univerſally eſteemed, pious, benevolent, learned, humane. Beſides his other benefactions, he gave 30 or 40 *l* towards the building of the new church in Ravenſtondale, and laid out near 20 *l* in a preſent to the ſame of communion plate. The ſeats, when finiſhed, were ſold, towards defraying the expences of the whole, to the ſeveral owners of the reſpective meſſuages and tenements within the pariſh. There were divers Quakers who refuſed to purchaſe. For theſe, the ſaid Dr. George Fothergill purchaſed; and ordered thoſe ſeats to be occupied by the poor of the pariſh, until ſuch time as the owners of the Quakers meſſuages ſhall pay the purchaſe money; which when they ſhall do, then the intereſt of that money to go to the poor.

He

He publiſhed in his life-time ſeveral ſermons preached before the univerſity upon particular occaſions; and left behind him a volume of ſermons, which are the exact picture of the author's life and manners.

His brother Dr. *Thomas Fothergill* aforeſaid ſucceeded him as tutor, and in every reſpect copied after ſo amiable an example, and is now the worthy provoſt of the ſaid college, and vice-chancellor of the univerſity.

The eldeſt ſurviving brother Mr. *Richard Fothergill*, enjoys the paternal eſtate at Lockholme; with whom the compiler of theſe memoirs eſteemeth it an honour to have been intimately acquainted.

At a place called *Raſate* (the word *raſe* meaning an hill or riſing ground) not far from Sunbiggin tarn, are two *tumuli*, in which have been found many dead mens bones; the bodies being laid round about the hills, with the heads all lying upwards towards the hill top, and the hands laid upon their breaſts.

In the high ſtreet, leading from Kirkby Stephen to Sedbergh, near Rawthey bridge, is a circle of large ſtones, ſuppoſed to be a monument of Druid worſhip.

At Ravenſtondale town head is a *tarn* or lough, which in Mr. Machel's time was well ſtocked with perches and eels.

About half a mile from the town head, in the year 1774, was found in digging peats, two foot below the ſurface, a copper veſſel, ſound and intire, the diameter whereof at the bottom is 8 inches, at the top 14 inches, in the wideſt part juſt under the neck 16 inches; the depth 18 inches; it contains about 8 gallons and an half. It is made of three plates of copper, neatly joined together, and hath been pretty much uſed as a fire veſſel. It is very ſlender; and therefore there are fixed ſix fillets of copper at equal diſtances, which reach up the ſides two inches and an half, and are turned down about as much upon the bottom. That part of the fillets turned over part of the bottom, is a good deal thicker than the other extremities which go up the ſides, and are ornamented with ridges, ſomewhat in the nature of fluting. The veſſel, when ſet down, reſts on the thicker part of theſe fillets, which keeps it ſteady, and the bottom from any wear or bulging. There is no iron in any part of it. Two ears or handles are fixed on the inſide, the tops of which are on a level with the edge of the veſſel; in each of which is a moveable ring. Theſe ears and rings are pretty ſtrong and maſſy, but of baſer metal. The whole is of excellent workmanſhip, and very elegantly finiſhed.

In this pariſh ſprings the river *Lon* or *Lune*, which in its courſe gives name to the country of *Lonſdale*, and empties itſelf into the ſea a little below *Lancaſter*.

PARISH OF CROSBY GARRET.

THE church of this place, ſtanding on the top of a ſteep hill or mount, hath cauſed that ſometimes the village is called *Croſby on the Hill.* Moſt commonly it is called *Croſby Garret*, ſuppoſed to be from a like reaſon, foraſmuch as the higheſt rooms in houſes are called *garrets.* But in reality, *Garret* is no other than a corruption of *Gerard*, for it was always anciently written *Croſby Gerard*, moſt probably from the name of the owner.

This pariſh is bounded on the Eaſt by the pariſhes of Muſgrave and Kirkby Stephen; on the South, by the pariſh of Ravenſtondale; on the Weſt, by the pariſhes of Ravenſtondale and Orton; and on the North, by the pariſhes of Aſby, Ormſide, Warcop, Muſgrave, and Kirkby Stephen: And contains about 59 families; of which, diſſenters 9.

The church is dedicated to St. Andrew; on whoſe feſtival they heretofore held their feaſt.

It is a rectory valued in the king's books at 19*l* 4*s* 4½*d.* The clear yearly value, as delivered in to the governors of queen Anne's bounty, 47*l* 2*s* 6*d.* The late rector and lord of the manor James Bird gave 200*l*, unto which the governors of queen Anne's bounty added 200*l*, wherewith land was purchaſed within the manor, which land the ſaid Mr. Bird alſo infranchiſed.

It hath been all along in the patronage of the lord of the manor. And therefore the hiſtory of the church and of the manor will beſt go together, and conduce in ſome meaſure to illuſtrate each other.

The firſt account we have of either, is in the year 1296, 25 Ed. 1. when *William de Souleby* lord of the manor being then under age and in wardſhip to Iſabella daughter of the laſt Robert de Veteripont, and then widow of Roger de Clifford, ſhe the ſaid Iſabella, in right of her ſaid ward, preſented to the rectory of Croſby Gerard one *Thomas de Burgh ſub Mora*, who was thereupon inſtituted by biſhop Halton.

In the next generation, we find the manor of Croſby Gerard in the hands of the Muſgraves, probably by marriage of the heireſs of *Souleby* (for there was an heireſs of *Souleby* at that time, namely, *Johan* daughter of the ſaid *William de Souleby*). And in the 8 Ed. 2. after the death of Robert de Clifford ſon of the aforeſaid Roger and Iſabella, the inquiſition finds, that *Richard de Muſgrave* held of the ſaid Robert, on the day on which he died, the manor of Croſby Gerard; the wardſhip whereof, together with Little Muſgrave which he then alſo held, was worth 34*l* a year. The ſaid *Richard* held then alſo a moiety of the manor of Orton. And the cornage for all the three was 26*s* 3*d.*

In the 28 Ed. 3. *Henry de Sandford* was rector of Croſby Gerard, having obtained in that year from the biſhop a licence of abſence for the better following of his ſtudies; and three years after, the like grant was renewed to him, on condition that he ſhould cauſe divine ſervice to be performed by a chaplain in the oratory of Robert de Sandford his father at Sandford once or twice in every month.

In

In the 43 Ed. 3. *Peter Morland*, *John de Kabergh*, (probably as truſtees in a ſettlement) and the prior of *Watton* held the manor of Croſby Gerard, paying 8*s* 6½*d* cornage.

In the 5 Ric. 2. on the death of the aforeſaid Henry de Sandford, *John de Calve* was inſtituted to the rectory, on the preſentation of *Thomas de Muſgrave* knight.

In the 15 Ric. 2. *Thomas de Muſgrave* and the prior of *Watton* held Croſby Gerard, by homage and fealty and 10*s* 1*d* cornage.

In the 10 Hen. 5. after the death of John de Clifford, *Richard Muſgrave* held the manor of Croſby Gerard, by homage and fealty and the cornage of 10*s* 1*d*.

In the 31 Hen. 6. *Richard Muſgrave* knight held three parts, and the prior of *Watton* the fourth part, of the ſaid manor; paying cornage 8*s* 6*d*.

In the 38 Eliz. on the death of *Lancelot Shaw* rector of Croſby Gerard, *Richard Fallowfield* was inſtituted, on a preſentation by Thomas Ambler of Kirkby Stephen yeoman, to whom this avoidance was granted by *Humphrey Muſgrave* late of Hartley eſquire and dame *Agnes* his wife.

In the 12 Cha. 1. on the death of Richard Fallowfield, *Edmund Mauleverer* was inſtituted on the preſentation of Sir *Philip Muſgrave* baronet. Which ſaid Sir *Philip Muſgrave* conveyed the manor and advowſon to Sir *Richard Muſgrave* knight, his eldeſt ſon; who had iſſue only two daughters, the elder of whom died an infant, and the other daughter (Mary) was married to *John Daviſon* of Blakeſton in the county of Durham eſquire.

In the time of Oliver Cromwell, *Chriſtopher Jackſon* was rector, who was ejected by the Bartholomew act in 1662; he lived afterwards retired in Ravenſtondale, where he had a ſmall eſtate *. He was ſucceeded by Thomas Denton.

In 1702, *Thomas Denton* dying, *Joſeph Forſter*, M. A. was preſented by *Mary Daviſon* widow, mother and guardian of *Thomas Daviſon*; which *Thomas Daviſon*, when he came of age, ſold the manor and advowſon to *Thomas Gate* of Whitehaven gentleman.

In 1713, the ſaid Thomas Gate preſented *James Lamb*, M. A. to the rectory.

In 1717, *William Bird* clerk was preſented by the ſame patron; who by his laſt will and teſtament deviſed the manor and advowſon to the ſaid William Bird.

In 1742, the ſaid William Bird reſigning, preſented his ſon and heir apparent *James Bird*, M. A. to the rectory.

In 1763, on the death of James Bird, *James Fenton* clerk was preſented by Richard Burn LL. D, Anne Coulſton widow, and John Coulſton gentleman, truſtees under the will of the ſaid James Bird.

In 1769, on the reſignation of James Fenton, *William Bird*, B. A. ſon and heir of the ſaid James Bird, was inſtituted on a preſentation by the ſaid Richard Burn and Anne Coulſton.

* 2 Calamy's Account of Miniſters ejected, pag. 753.

This manor having belonged of early times to the lords of Soulby, and afterwards to the Muſgraves, who reſided elſewhere; there is no tradition remaining where the *manor houſe* of Croſby Gerard ſtood.

Within the manor there are about 40 tenements, only two or three of them freehold, the reſt cuſtomary, ſome by indenture at an eightpeny fine, and others arbitrary.

There is a ſmall *ſchool* at Croſby Garret, built at the expence of the inhabitants, and endowed from time to time by the charitable donation of divers perſons *.

The

* The following account is inſerted, as well for a memorial of the ſaid benefactions, as by way of precedent for the like laudable purpoſe in other places:

		l.	*s.*	*d.*
1629.	Apr. 12. Given by Richard Fallowfield, parſon of Croſby Garret, 3*l.* The uſe to go to the maintenance of a ſchoolmaſter there; and when there is no ſchoolmaſter, to be given to the poor. The ſaid 3*l* to remain to the ſaid uſe for ever	3	0	0
	Item, By Henry Robinſon to the ſame uſe	0	6	8
	Thomas Wilſon	0	13	4
	James Skaife, by an order, to the ſame uſe	0	10	0
	Margaret wife of James Richardſon	0	6	8
	Margaret Skaife	0	13	4
	Thomas Johnſon, by order,	1	0	0
	Edward Skaife	1	0	0
	John Skaife, pariſh clerk	0	10	0
	Overplus of the ſchoolhouſe money, by conſent	0	6	3
	Humphrey Bell	1	0	0
1648.	Given by John Symſon of Sandford to the uſe of the ſchool at Croſby Garret and Warcop 5*s* a year, to be paid one year to Croſby and another to Warcop; due to be paid every Candlemaſs out of the lands of Robert Peart and Bartholomew Skaife of Sandford. And for want of a ſchool at Croſby, the ſaid 5*s* to be paid to Warcop; and for want of a ſchool at Warcop, to be paid to Croſby.			
1662.	Apr. 26. Given by ——— Richardſon at his death, to the uſe of the ſchool 2*l*; and for repairing the wood bridge in the way to Smerdale, 1*l*	3	0	0
1664.	June 7. Given by James Richardſon bailiff, by his laſt will and teſtament for keeping a ſchoolmaſter for advancing learning	2	0	0
1667.	Apr. 8. By Reginald Robinſon, by his laſt will and teſtament, unto the ſchool ſtock and poor of Croſby Garret, 10*s*; viz. 5*s* to each	0	10	0
1668.	By John Skaife by his laſt will, to the ſchool ſtock for advancing learning 1*l*. To Smerdale wood bridge 10*s*	1	10	0
	Feb. 6. By general conſent of all the inhabitants of Croſby Garret (except James Bell, Thomas Taylor, Thomas Robinſon of Pots, and Henry Robinſon) to the ſchool ſtock of Croſby Garret for the advancing of good learning 4*l* 4*s*, which they received of George Richardſon of Mazin Slack for his privilege in the fell or common, and for a little parcel of ground for a garth beſide his houſe. And it is the deſire of the ſaid inhabitants, that the ſaid ſum be employed for the maintenance of a ſchoolmaſter for ever	4	4	0
1676.	July 6. Given by Elizabeth Robinſon widow, and Reginald Robinſon, adminiſtrators to the aboveſaid Henry Robinſon, to the ſchool ſtock of Croſby Garret, 5*s* 4*d*; being the whole which the ſaid Henry Robinſon received and reſerved as his part of George Richardſon's money	0	5	4
	William Robinſon, by his laſt will and teſtament	10	0	0

1682.

The manor of LITTLE MUSGRAVE is in this pariſh, though ſeparated from *Great Muſgrave* only by the river Eden. So far back as we have any account, this manor of Little Muſgrave, as well as Great Muſgrave, belonged to that ancient family which gave name to both places, and who ſtill continue lords of both the ſaid manors.

In the reign of king Charles the ſecond, Sir Chriſtopher Muſgrave knight, and afterwards baronet, repreſentative in parliament for the county of Weſtmorland, reſided here during the life-time of his elder brother Sir Richard. There is an apartment in the houſe where they now keep court at Little Muſgrave, which is yet called the lord's chamber.

I.

PARISH OF KIRKBY STEPHEN.

THE pariſh of Kirkby Stephen is bounded on the Eaſt by the pariſhes of Brough and Bowes; on the South, by the pariſhes of Grinton, Aiſgarth, and Sedbergh, all of which (as well as Bowes) are in the county of York; on the Weſt, by the pariſhes of Sedbergh, Ravenſtondale, and Croſby Garret; and on the North, by the pariſhes of Croſby Garret, Muſgrave, and Brough: And contains about 600 families; whereof, diſſenters 12.

The church was dedicated to *St. Stephen*; and from thence the town and pariſh received their denomination.

It is a vicarage, valued in the king's books at 48*l* 19*s* 2*d*. In the time of William the Conqueror, it was in the patronage of *Ivo de Talebois* baron of Kendal; who granted the ſame to the abbot and convent of St. Mary's York. After the diſſolution, the ſame came to the *Whartons* of Wharton; in which family the advowſon continued till the late duke of Wharton's time, who granted the ſame to his ſteward *Matthew Smales* of Gilling in Yorkſhire eſquire; from whom it deſcended, after the death of the male iſſue, to his daughter *Jane*, wife of *Henry Chaytor* eſquire of an ancient family at Croft in Yorkſhire; who granted the ſame to their ſecond ſon *Henry Chaytor*, LL. D. who alſo is the preſent incumbent.

		l.	*s.*	*d.*
1682.	Apr. 17. Given by Reginald Robinſon, younger brother of the aforeſaid Henry, unto the ſchool ſtock, by his laſt will and teſtament, 10*l*; and 10*l* more, the uſe thereof to be diſtributed every year at Eaſter to the poor of the pariſh	20	0	0
1683.	Apr. 7. Given by James Bell, by his laſt will and teſtament, 50*s* to the uſe of the ſchool, and 50*s* more to the poor	5	0	0
1684.	Given by Thomas Bowland by his laſt will and teſtament 40*l* to the uſe of the teaching ſchoolmaſter of Croſby Garret for ever, and 40*l* to the uſe of the poor	80	0	0

Ivo

Ivo de Talebois aforeſaid, in the year 1088, gave this church of Kirkby Stephen, and three carucates of land there, and his tithe, to the ſaid abbot and convent of St. Mary's York.

And *Athelwold* firſt biſhop of Carliſle, who came to the ſee in 1133, confirmed the grant thereof; on condition that the monks ſhould allow to the prieſt officiating a ſufficiency to maintain himſelf and pay the ſynodals. And the ſame was afterwards confirmed by king Henry the ſecond.

After this, *Hugh* biſhop of Carliſle, in the reign of king Henry the third, confirmed the ſame to the ſaid abbot and convent; ſo as that they preſent a perpetual vicar to the ſame, and allow him yearly 100 *s.* *

Not long after, there aroſe ſome diſputes between *Walter* biſhop of Carliſle, and the ſaid abbot and convent, touching the ſaid church; which were referred to the prior of Carliſle and other arbitrators. The ſum of their award was this: That the church of Kirkby Stephen, with all its appurtenances and chapels (namely, with the chapel of Burgh, and if there be any others which ought to be called chapels) ſhould be ceded to the ſaid abbey for ever; ſaving the vicarage as here-under taxed: viz. that the ſaid vicarage, which by the biſhop's predeceſſors had been taxed at 100 *s*, ſhall enjoy the whole altarage, with all the appurtenances of the ſaid church and its chapels, except the tithes of the ſheaves of corn and pulſe not being in the tofts and gardens [*decimis garbarum bladi et leguminis extra toftos et ortos*]; and alſo eight oxgangs of land, and one competent manſe; and ſhall pay yearly to the ſaid abbey 20 *s*. The vicar to ſuſtain all burdens and archidiaconal charges. But the payment of the ſaid penſion was not to take place, till after the death of *John Ferentine* the then rector.

In the year 1292, *Thomas de Capella* was vicar here, and a rigorous diſciplinarian. *Prynne Chron. Vind.* Vol. 3. p. 485.

* Hugo Dei gratia Karliolenſis epiſcopus, Omnibus Chriſti fidelibus has literas inſpecturis vel audituris ſalutem in Domino. Quoniam ex officio nobis injuncto, ſubjectorum noſtrorum, et maxime religioſorum, tenemur utilitati providere, et eorum bona augere et confovere; Noſcat univerſitas veſtra, quod nos, divina ducti pietate, de aſſenſu capituli Karliolenſis eccleſiæ, concedimus et præſenti pagina confirmamus Deo et eccleſiæ ſanctæ Mariæ Eborum, et monachis ibidem Deo ſervientibus et in poſterum ſervituris, eccleſias de Kirkby Stephan et de Morland, cum omnibus capellis ad eas pertinentibus, et cum omnibus aliis pertinentiis ſuis in proprios uſus ipſorum, habendas et poſſidendas imperpetuum. Ita ſcilicet, quod eccleſia de Kirkby Stephan cum ſuis pertinentiis cedat in uſus proprios dictorum monachorum Ebor', ad ſuſtentationem pauperum et peregrinorum; et eccleſia de Morland cum ſuis pertinentiis in uſus proprios monachorum domus de Wederhale, quæ eſt cella eccleſiæ ſanctæ Mariæ Ebor', ad eorum ſuſtentationem. Decedentibus vero vel cedentibus perſonis vel rectoribus prædictarum eccleſiarum qui nunc in eis ſunt conſtituti; liceat præfatis monachis libere et ſine alicujus contradictione vel impedimento eas ſibi in uſus proprios retinere. Ita tamen quod in eis vicarios idoneos conſtituant nobis et ſucceſſoribus noſtris præſentandos, qui de proventibus ipſarum C ſolidos ſinguli ipſorum de ſingulis eccleſiis percipiant in perpetuum, curamque animarum a nobis et ſucceſſoribus noſtris percipere et de ſpiritualibus providere teneantur. Ut autem hæc noſtra conceſſio et confirmatio perpetuæ firmitatis robur obtineat, hoc præſens ſcriptum ſigilli noſtri impreſſione duximus communire. Datum 13 Kal. Novembris, anno incarnationis Domini MCCXX°. *(Regiſtr. Wetheral.)*

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In 1304, the ſaid Thomas de Capella exchanged this vicarage for that of Arthureth, and Sir *Thomas de Leyceſter* was thereupon preſented by the aforeſaid abbot and convent.

In 1318, on the death of the ſaid Thomas de Leyceſter, Mr. *Henry de Rillington* was inſtituted on the like preſentation.

And the ſaid Henry dying in the year after, Sir *John de Botel* ſucceeded in like manner.

In 1336, *John de Bowes* was inſtituted on the like preſentation by the abbot and convent. And upon an inquiſition then taken, the ancient valuation of the vicarage was found to be 110*s*, and the new 26*l* 13*s* 4*d*.

In the year 1354, the biſhop, having proceeded *ex officio* againſt this John de Bowes, for incontinence with Margaret Wyvill and others, and for that contrary to the conſtitutions he publickly kept the ſaid Margaret as a concubine, and having heard his defence, certifies that the ſaid vicar is not liable to the penalties in the conſtitutions, but is ſufficiently corrected for any crime proved againſt him, and ought not to be further moleſted.

In 1362, on the death of the ſaid John de Bowes, the abbot and convent preſented Sir *John de Danby*, who was inſtituted thereupon.

In 1376, *Peter de Morland* was inſtituted on the like preſentation.

In 1386, on the death of Peter de Morland, Sir *John de Bruddeford* was inſtituted.

In 1422, we find one *Thomas Warcop* vicar of Kirkby Stephen; for by the inquiſition *poſt mortem* in that year of John de Clifford, it is found, that *Thomas Warcop* vicar of Kirkby Stephen in the right of Katherine his wife, and Chriſtopher Berdeſey in the right of Margaret his wife, daughters and co-heirs of Robert Sanford eſquire, held of the ſaid John the manor of Sanford. Which *Thomas Warcop* had a ſon *Thomas Warcop* of Colby.

In 1539, the ſaid abbey of St. Mary's York was ſurrendered to the king; and the revenues thereof in this pariſh of Kirkby Stephen appear from the account in the augmentation office to have been as follows: "Of lands, "tenements, and cottages in Kirkby Stephen, 9*l* 5*s* ½*d*. In Nateby 4*s*. In "Winton 20*s*. And for the farm of the rectory, with the tithe of divers "ſmall villages within the pariſh, namely, of the farm of the tithe ſheaves of "Kirkby Stephen 12*l*. In Hartly and Soulby 12*l* 6*s* 8*d*. Wharton and "Nateby 4*l* 8*s* 8*d*. Winton, Kaber, and other places 22*l*."

In 1547, king Edward the ſixth granted to Sir Richard Muſgrave of Hartley knight, the rectory of Kirkby Stephen, with the advowſon of the vicarage. And in the next year, the ſaid Sir Richard, in conſideration of 471*l*, granted to Thomas lord Wharton all the ſaid rectory and advowſon; except the tithes of corn and hay of Hartley, Soulby, and Cayber. And it was covenanted, that the ſaid Sir Richard Muſgrave, his heirs and aſſigns, ſhould enjoy all the tithe of hay, wool, and lamb, and other things whatſoever, within the demeſne lands, town field, hamlet, or precinct of the manor of Hartley againſt the vicar and his ſucceſſors; and in conſideration thereof, that the lord Wharton ſhould have the tythes of corn and hay of Cayber before excepted;

excepted; which were to return to Sir Richard Muſgrave in caſe of failure of the tithe of wool and lamb at Hartley *.

In 1562, *Peter Vaux* was inſtituted to the vicarage; who granted a leaſe to the lord Wharton his patron of the revenues of the vicarage for 40*l* a year; which kind of leaſe the patrons ſeem to have exacted of the incumbents for a long time together. For, above 40 years after this, viz. in the year 1605, we find a rental made by Philip lord Wharton of his whole eſtate, in which the particulars relating to the church of Kirkby Stephen, including the vicarial revenues, are as followeth; viz. In profits of the tithe barn of Kirkby Stephen, 46*l* 8*s* 4*d*. In profits of Winton tithe barn 36*l*. In profits of tithe calves and broken tithes thereof, 3*l* 6*s* 8*d*. In profits of the tithe wool 40*l*. In profits of the tithe lambs and odds thereof 30*l*. In profits of the oblations and other duties collected at Eaſter 16*l*.—To be paid out thereof to the vicar his rent (the value of the glebe included, not reckoned in the above particulars) 48*l* 19*s* 2*d*.—Which was the very ſum that the vicarage was rated at in the king's books; of which the patrons ſeem to have availed themſelves, by a kind of ſimoniacal contract with their preſentees.

In 1563, on the death of Peter Vaux, Sir *Parcevil Wharton* clerk was inſtituted on the preſentation of Edward Wharton patron for that turn only, by grant from Thomas lord Wharton.

In 1568, on the death of Percevil Wharton, Sir *John Swinbank* clerk was inſtituted, on the preſentation of John Rigg of Little Strickland gentleman, on a like grant for that turn.

In 1620, one *Anthony Wetherell* appears to have been vicar, who was ſuppoſed to be author of the remonſtrance by the tenants againſt the lords claim before mentioned of an abſolute eſtate in their tenements.

In the time of Oliver Cromwell, *Francis Higginſon* appears to have been vicar. He was very active againſt the Quakers, who ſprang up at that time; and writ two very notable pamphlets againſt them †.

In

* Bp. Nicholſon.

† As theſe diſcourſes of Mr Higginſon are extremely ſcarce (for we have not found more than one printed copy thereof) it may not be amiſs to preſerve ſome of the contents of the ſame.

From theſe it appears, that the Quakers at their firſt ſetting forward committed various kinds of extravagances and diſorders; which probably, if they had not been oppoſed, would more readily have ſubſided. But the miniſters, juſtices of the peace, conſtables, and others, followed theſe people about, diſputed with them, bound them over to the peace, procured them to be indicted, and by ſuch oppoſition rendered the ſect conſiderable. Mr. Higginſon produceth inſtances of theſe people running about the ſtreets, foaming, and bellowing out ſuch like expreſſions as theſe, "Repent, repent; Wo, wo! The judge of the world is come!" Some of them ſtood naked upon the market croſs, on the market days, preaching from thence to the people. Particularly, he mentions the wife of one Edmund Adlington of Kendal who went naked through the ſtreets there. And two others of the ſociety, a man and a woman, who called themſelves Adam and Eve, went publickly naked; and when examined concerning the ſame at the aſſizes, the man affirmed that the power of God was upon him, and he was commanded ſo to do.

Many of them in their aſſemblies, ſometimes men, but more frequently women and children, or they who had long faſted, would fall down ſuddenly as in an epileptic fit, and there lie groveling upon the ground, ſtruggling as it were for life, and ſometimes more quietly as if they were juſt expiring. Whilſt the agony of the fit was upon them, they would foam at the mouth, their lips

In 1663, *Joſhua Stopford*, M. A. was inſtituted on a preſentation by Philip ord Wharton.

In

lips would quaver, their fleſh and joints would tremble, and their bellies ſwell like a blown bladder. In ſuch fit they continued ſometimes an hour or two, and when it left them, they roared out with a voice loud and horrible. All which eaſily accounts for the name of *Quakers* being given to them.

In their preaching, they called themſelves, "The way, the truth, and the life." One James Milner declared himſelf to be God and Chriſt: For which blaſphemy being impriſoned at Appleby, and the wife of one Williamſon coming to ſee him there, ſhe profeſſed herſelf publickly to be the eternal ſon of God. And the men that heard her, telling her that could not be, becauſe ſhe was a woman, ſhe anſwered, No, you are women, but I am a man.

They railed at the judges ſitting upon the bench, calling them ſcarlet coloured beaſts. The juſtices of the peace they ſtyled "Juſtices *ſo called*;" and ſaid there would be Quakers in England, when there ſhould be no juſtices of the peace.

They made it a conſtant practice to enter into the churches with their hats on during divine ſervice, and to rail openly and exclaim aloud againſt the miniſters with reproachful words, calling them liars, deluders of the people, Baal's prieſts, Babylon's merchants ſelling beaſtly ware, and bidding them come down from the high places. One inſtance of this kind (ludicrous enough) happened at Orton. Mr. Fothergill, vicar there, one Sunday exchanged pulpits with Mr. Dalton of Shap, who had but one eye. A quaker ſtalking as uſual into the church at Orton, whilſt Mr. Dalton is preaching, ſays, Come down thou falſe Fothergill. Who told thee, ſays Mr. Dalton, that my name was Fothergill? The Spirit, quoth the Quaker. That ſpirit of thine is a lying ſpirit, ſays the other; for it is well known I am not Fothergill, but peed Dalton of Shap.

There was one juſtice Burton, who attended at Kendal, Kirkby Stephen, Orton, and other places, together with the miniſters, to endeavour to ſuppreſs theſe diſorders, and (amongſt the reſt) committed James Nayler of famous memory to Appleby gaol, for want of finding ſureties for his good behaviour. Soon after this, Mr. Burton one night going home (to Brampton) from Appleby, was way-laid by four muſketeers, two on each ſide of the lane, every one of whom diſcharged his muſket at the juſtice as he paſſed along, but happily miſſed both him and his ſervant. It was not known who theſe four perſons were. It was believed they were Quakers, ſome of the Quakers having given out before, that they would pick his ſkin full of holes. And they had not then taken up the principle of not bearing arms; for many of them, and Nayler among the reſt, had been Cromwell's ſoldiers.

The ſaid James Nayler, at the proſecution of Mr. Higginſon, Mr. Fothergill, and other miniſters, was indicted at Appleby for blaſphemy, at the Chriſtmaſs ſeſſion in the year 1652. His examination thereupon was as follows:

Juſtice *Pearſon*. Put off your hat.

James. I do it not in contempt of authority; for I honour the power as it is of God, without reſpecting mens perſons, it being forbidden in ſcripture. He that reſpects perſons, commits ſin, and is convinced of the law as a tranſgreſſor.

Juſtice *Pearſon*. That is meant of reſpecting perſons in judgment.

James. If I ſee one in goodly apparel and a gold ring, and ſee one in poor and vile raiment, and ſay to him in fine apparel, Sit thou in a higher place than the poor, I am partial, and a judge of evil thoughts.

Col. *Brigs*. If thou wert in the parliament houſe, wouldſt thou keep it on?

James. If God ſhould keep me in the ſame mind I am in now, I ſhould.

Col. *Brigs*. I knew thou wouldſt contemn authority.

James. I ſpeak in the preſence of God, I do not contemn authority, but I am ſubject to the power as it is of God, for conſcience ſake.

Juſtice *Pearſon*. Now authority commands thee to put off thy hat. What ſayeſt thou to it?

James. Where God commands one thing, and man another, I am to obey God rather than man.

Col. *Benſon*. See whether God commands it, or your own wills.

The indictment was read, wherein James was indicted for ſaying that Chriſt was in him, and that there was but one word of God, and the like.

In 1673, *John Rawlet*, M. A. was inſtituted on a preſentation by the ſame patron. This Mr. Rawlet was author of a volume of divine poems; and of a book yet well known by the name of The Chriſtian Monitor. His character as a moſt exemplarily pious and good man remaineth to this day.

In

Col. *Brigs*. Where waſt thou born?

James. At Ardiſlaw, two miles from Wakefield.

Col. *Brigs*. How long livedſt thou there?

James. Until I was married; then I went into Wakefield pariſh.

Col. *Brigs*. What profeſſion waſt thou of?

James. A huſbandman.

Col. *Brigs*. Waſt thou a ſoldier?

James. Yea I was a ſoldier between 8 and 9 years.

Col. *Brigs*. Waſt thou not at Burford among the levellers?

James. I was never there.

Col. *Brigs*. I charge thee, by the Lord, that thou tell me whether thou waſt or not.

James. I was then in the north, and was never taxed for any mutiny, or any other thing, while I ſerved the parliament.

Col. *Brigs*. What was the cauſe of thy coming into theſe parts?

James. If I may have liberty, I will declare it. I was in the fields at the plough in barley ſeed time, meditating on the things of God, and ſuddenly I heard a voice ſaying unto me, Get thee out from thy kindred, and from thy father's houſe; and I had a promiſe given in with it: whereupon I did exceedingly rejoyce, that I had heard the voice of that God which I had profeſſed from a child, but whom before that day I had never known. So I went home, and ſtayed there a good while; and not being obedient to the heavenly call, I was in a ſad condition, as my friends know, and thoſe that knew me wondered at me, and thought I was diſtracted, and that I would never have ſpoken nor eaten more.

Col. *Brigs*. (interrupting him). Friend, didſt thou hear that voice thou ſayeſt ſpake unto thee?

James. Yea, I did hear it.

Col. *Brigs*. Were there not ſome others beſides thyſelf at plough with thee?

James. Yea, there were two more beſides myſelf.

Col. *Brigs*. And did not they hear that voice as well as thyſelf?

James. No, friend; it was not a carnal voice, audible to the outward ear.

Col. *Brigs*. O then, I know what voice it was.

James. ——After I was made willing to go, I gave away my eſtate, and caſt out my money, and I began to make ſome preparation, as apparel and other neceſſaries; but a while after, going agateward with a friend from my own houſe, having an old ſuit without any money, having neither taken leave of wife or children, nor thinking of any journey, the voice came to me again, commanding me to go into the weſt, not knowing whither I ſhould go, nor what I was to do there; but when I had been there a little while, it was given me what I was to declare; and ever ſince I have remained, not knowing to-day what I am to do to-morrow.

Col. *Brigs*. Friend, you ſaid, you gave away your eſtate, and caſt out your money before you came forth: To whom did you give your eſtate and money?

James. I gave it to my wife.

Col. *Brigs*. Doſt thou call that giving away thy eſtate, and caſting out thy money? I ſhould not much care if all my eſtate was ſo given away.—But what was the promiſe which thou ſaidſt was given in to thee?

James. That God would be with me; which I find made good every day.

Col. *Brigs*. I never heard of ſuch a call as thine in all my life.

James. I believe ſo.

Juſtice *Pearſon*. Is Chriſt in you as a man, as you before affirmed?

James. Chriſt, God and man, is not divided. Separate God and man, and he is no more Chriſt. Chriſt God and man is every where.

Juſtice *Pearſon*. Doſt thou believe Chriſt, as he is man, to be in thee?

James.

In 1681, *Samuel Shaw*, clerk, was preſented by the ſame patron, and inſtituted thereupon.

In

James. I witneſs him in me; and if I ſhould deny him before men, he would deny me before my father which is in heaven.

Juſtice *Pearſon.* How do you mean that Chriſt is in you? Do you mean that he is in you ſpiritually?

James. Yea, ſpiritually.

Juſtice *Pearſon.* By faith, do you mean, or how elſe?

James. By faith.

Juſtice *Pearſon.* Why, what difference is there then in this point between the miniſters and you?

James. The miniſters affirm Chriſt to be in heaven with a carnal body, but he is with a ſpiritual body.

Juſtice *Pearſon.* Which of the miniſters ſay ſo?

James. The miniſter, ſo called, of Kirkby Stephen.

Mr. *Higginſon.* I confeſs I ſaid, Chriſt was in heaven with a carnal body. I was willing to own a truth, though in coarſe language. I look upon it as an unmeet expreſſion, and ſhould not have uſed it, had I not been drawn to it upon this occaſion. Diſcourſing with Nayler at Mallerſtang about the reality of Chriſt's human nature, I aſked him whether he did believe that Jeſus Chriſt, now glorified in heaven, was a true real man, as well as true God. When, according to his manner, he laboured to ſpeak as ambiguouſly as he could, and would plainly affirm or deny nothing; urging him with the ſame queſtion again, with ſome little alteration, I aſked him, whether he did believe that Jeſus Chriſt was now in heaven in a body of fleſh; to which when I preſſed him to anſwer plainly, Thomas Airey, one of Nayler's companions, ſaid to me thus; Doſt thou imagine that the body of Chriſt in heaven is a carnal body? To which I anſwered preſently, thinking they had underſtood Engliſh language; Thomas, take the word carnal, not as it is uſed in the ſcripture, in oppoſition to that which is holy or ſpiritual, but according to its natural and proper ſignification, as it ſignifies fleſhly, and ſo I believe the body of Chriſt in heaven to be a carnal body, that is (as I ſaid) a body of fleſh.

Col. *Brigs.* Waſt thou not at a kirk about Sourby?

James. I was a member of an independent church at Wood church.

Col. *Brigs.* Waſt thou not excommunicated for thy blaſphemous opinions?

James. I know not what they have done ſince I came forth; but before, I was not to my knowledge.

Juſtice *Pearſon.* How comes it to paſs that your people quake and tremble?

James. The ſcriptures witneſs the ſame condition in the ſaints formerly; as David, Daniel, Habakkuk, and divers others.

Juſtice *Pearſon.* Did they fall down?

James. Yea, ſome of them did ſo.

Juſtice *Pearſon.* What ſayeſt thou to the ſcriptures? Are they the word of God?

James. They are a true declaration of the word that was in them who ſpoke them forth.

Juſtice *Pearſon.* Why doſt thou diſturb the miniſters in their public worſhip?

James. I have not diſturbed them in their public worſhip.

Juſtice *Pearſon.* Why doſt thou ſpeak againſt tithes, which are allowed by the ſtates?

James. I meddle not with the ſtates. I ſpeak againſt them that are hirelings. Thoſe that were ſent of Chriſt never took tithes, nor ever ſued for any wages.

Juſtice *Pearſon.* Doſt thou think we are ſo beggarly as the heathens, that we cannot afford our miniſters maintenance? We give it them freely.

James. They are the miniſters of Chriſt who abide in the doctrine of Chriſt.

Juſtice *Pearſon.* But who ſhall judge? how ſhall we know them?

James. By their fruits ye ſhall know them. They that abide not in the doctrine of Chriſt, make it appear they are not the miniſters of Chriſt.

Juſtice *Pearſon.* That is true.

This ſame Juſtice Pearſon (to ſhew how catching is enthuſiaſm) afterwards turned Quaker, and writ a book againſt tithes.

In 1691, on the death of Samuel Shaw, *John Atkinſon*, M. A. was inſtituted on a preſentation by Thomas lord Wharton.

In 1733, on the death of John Atkinſon, the right of preſentation was conteſted, between Matthew Smales eſquire by virtue of a grant from the late duke of Wharton, and Robert Lowther eſquire, as purchaſer of the ſaid duke's eſtates in this pariſh. And on a *jus patronatus* iſſued and tried, the right was decreed to Mr. Smales, and his preſentee *Henry Rycroft*, M. A. was inſtituted accordingly.

In 1746, on the death of Henry Rycroft, *Alderſon Hartley*, M. A. was inſtituted, on a preſentation by Henry Chaytor eſquire and Jane his wife. Which Jane was daughter of the ſaid Matthew Smales, to whom the advowſon had come after the death of five brothers, ſons of the ſaid Matthew, without iſſue.

In 1755, on the death of Alderſon Hartley, *William Fawcet* clerk was preſented by the ſame patrons, and inſtituted thereupon.

In 1759, on the reſignation of the ſaid William Fawcet, *Henry Chaytor*, M. A. was inſtituted on the preſentation of his father Henry Chaytor eſquire.

The CHURCH is a large building, with a lofty tower ſteeple, and four bells. The church has two rows of pillars, ſix in a row, plain and round. On the north ſide is an ile projecting which belongs to Smardale hall.

And on the north ſide of the chancel is an ile belonging to Wharton hall; in which is a large monument of alabaſter. On the table, which is ſix foot ſquare, raiſed about three foot and an half from the ground, are three figures at full length, namely, of Thomas the firſt lord Wharton, in the middle; on the right ſide Elianor his firſt wife; and on the left, his ſecond wife Anne. About the table, on the edges, beginning at the weſt end, is the following legend.

Thomas Whartonus jaceo hic, hic utraque conjux;
Elionora ſuum hinc, hinc habet Anna locum.
En tibi, terra, tuum, carnes ac oſſa reſume;
In cœlos animas, tu Deus alme, tuum *.

At

——Such was the riſe of the Quakers. And as they could not probably have prevailed but by a prepoſterous (though well meant) oppoſition; ſo on the contrary, in theſe our days, we may ſee the happy effects of toleration. By letting them alone, they are coming about of themſelves; and in the next generation moſt of their formal abſurdities will be no more heard of.

* Under his head is the creſt of the Wharton arms, viz. a bull's head (for in the days of coat armour ſomething terrible was generally erected upon the helmet), which is ſuppoſed by the common people to repreſent the Devil in a vanquiſhed poſture: Under which notion a waggiſh ſchoolmaſter once of that place thus paraphraſed the above legend:

Here I Thomas Wharton do lie,
With Lucifer under my head;
And Nelly my wife hard by,
And Nancy as cold as lead:
Oh, how can I ſpeak without dread!!
Who could my ſad fortune abide,
With one devil under my head,
And another laid cloſe on each ſide!

This

At the eaſt end,

Gens Whartona, genus; dat honores dextera victrix
In Scotos. Stapletona domus mihi quam dedit, uxor
Elionora fecit ter bina prole parentem:
Binam adimunt teneris, binam juvenilibus annis,
Fata mihi; dat nomen avi mihi bina ſuperſtes.
Anna, ſecunda uxor, celebri eſt de gente Salopum.

At the weſt end have been three coats of arms, now defaced; moſt probably, of the ſaid lord Wharton and his two wives reſpectively.

On each ſide there are four niches, wherein have been the effigies of ſeveral perſons, with their reſpective bearings; probably branches of the Wharton family.

On the ſouth ſide of the chancel is a large quire belonging to Hartley caſtle. Under an arch in the ſouth wall is a large graveſtone with this inſcription:

" Hic jacet Ricardus Muſgrave, miles, juxta Elizabetham uxorem ſuam, " et Thomam filium et hæredem eorum; qui obiit ix° die Menſis Novembris, " Anno Domini M° CCCC° lxiiii°. Cujus animæ propitietur Deus. Amen."

Betwixt the chancel and this quire, under the great arch, is the figure of a man in armour, with a ſword at his right ſide, and ſomething like a broken ſpear or truncheon at his left. Under his head, an old faſhioned helmet, and a lion couchant at his feet, lying upon a table of ſtone, with nich-work on the ſides. This is commonly ſaid to be a cenotaph in memory of Sir Andrew Harclay earl of Carliſle. But by the annulets on the breaſt plate, it ſeemeth rather to have been for one of the Muſgraves. The ſaid Sir Andrew, for high treaſon, was degraded from his earldom and knighthood, and afterwards beheaded, and his head and quarters ſet up in different parts of the kingdom. It is not therefore likely, that his ſword would have been repreſented on his monument, much leſs his coat armour on his breaſt. And his arms were, Argent, a croſs Gules, with a martlet in the dexter chief point Sable *.

The

This conſideration of *horns* generally uſed upon the creſt, ſeemeth to account for what hath hitherto by no author or other perſon ever been accounted for; namely, the connexion betwixt *horns* and *cuckolds*. The notion of cuckolds wearing horns prevails through all the modern European languages, and is of four or five hundred years ſtanding. The particular eſtimation of badges and diſtinction of arms began in the time of the cruſades, being then more eſpecially neceſſary to diſtinguiſh the ſeveral nations of which the armies were compoſed. Horns upon the creſt (according to that of Silius Italicus,

Caſſide *cornigera* dependens infula———)

were erected *in terrorem*. And after the huſband had been abſent for three or four years, and came home in his regimental accoutrements, it might be no impoſſible ſuppoſition, that the man who wore the horns was a cuckold. And this accounts alſo, why no author of that time, when this droll notion was ſtarted, hath ventured to explain the connexion: For wo be to the man in thoſe days that ſhould have made a joke of the holy war; which indeed, in conſideration of the expence of blood and treaſure attending it, was a very ſerious affair.

* His ſentence was, That he ſhould be ſtripped of his earl's robes and enſigns of knighthood, his ſword broken over his head, his gilt ſpurs hacked off from his heels, and that he ſhould be drawn

The VICARAGE HOUSE hath been totally rebuilt by the preſent incumbent, and is beautifully ſituate on the weſt ſide of the river Eden. At the extremity of the garden, the fall from the rock is perpendicular many yards down to the river. From the top of which, is a proſpect of Hartley caſtle, of the river in various points of view, and of all the open country towards the eaſt.

Near to the vicarage, and almoſt adjoining to the eaſt end of the church, is the SCHOOL; which was the ancient rectory houſe.

And by letters patent in the 8th year of queen Elizabeth, the ſaid queen granted power to Thomas lord Wharton, to found a free grammar ſchool at Kirkby Stephen, for the inſtruction of youth inhabiting there and in the neighbouring parts, and to ſettle alſo a yearly ſum of 6*l* 13*s* 4*d* for the relief of the poor. The governors of the ſaid ſchool to be eight in number; of whom the firſt were Thomas Muſgrave and Thomas Warcopp eſquires, Miles Skeyffe, Michael Wharton, Anthony Wharton, and Ambroſe Lancaſter, gentlemen, and Philip Machell and John Swynebancke clerks. On the death of a governor, the ſurvivors to chuſe another within ſix weeks: If they neglect within that time, then the archbiſhop of York to appoint one. The ſaid Thomas lord Wharton to appoint a ſchoolmaſter during his life; and to have power to make ſtatutes for the government of the ſaid ſchool, ſo as they be not contrary to the ſaid letters patent. After his death, the governors to appoint a ſchoolmaſter within one month after a vacancy; if they neglect, then the ſaid archbiſhop to appoint one. And after the ſaid lord Wharton's death, the governors (with conſent of the biſhop of the dioceſe) may make ſtatutes, ſo as they be not contrary to thoſe of the lord Wharton. And for the aforeſaid purpoſes, power was given to aſſign the manſion houſe of the rectory of Kirkby Stephen and other houſes to the ſaid manſion houſe belonging, and one rood of ground parcel of the ſaid rectory, and the yearly rent of 26*l* 13*s* 4*d*.

And in the 10th year of the ſaid queen, the ſaid lord Wharton ſettled upon the ſaid ſchool the parſonage houſe aforeſaid with the houſes and buildings about the ſame, and one garth on the backſide of the ſaid houſe towards the water of Eden; and 12*l* a year to the ſchoolmaſter, 26*s* 8*d* a year to an uſher to be appointed by the ſchoolmaſter, and 6*l* 13*s* 4*d* to two exhibitioners to be ſent from the ſaid ſchool to Oxford or Cambridge or other univerſity, to have each 3*l* 6*s* 8*d* a year for ſeven years. The ſaid ſeveral ſums, making in the whole 20*l* a year, to be paid out of the corn tithes of Kirkby Stephen and Winton. (Nothing appears to have been ſettled for the poor.)

In the year 1736, by a decree in chancery, the tithes of Kirkby Stephen were diſcharged from the ſaid payment, and the whole 20*l* a year decreed to be paid by Robert Lowther eſquire, purchaſer of the reſidue of the Wharton eſtates in Weſtmorland.

drawn to the place of execution and there hanged by the neck, his heart and bowels taken out of his body, burnt to aſhes and winnowed, his body cut into four quarters, one to be ſet upon the principal tower of Carliſle caſtle, another on the tower of Newcaſtle upon Tyne, a third upon the bridge at York, and the fourth at Shrewſbury, and his head upon London bridge: All which was performed accordingly.

During the confuſion in the late duke of Wharton's affairs, no regular ſchool having been kept for eleven years, the ſum of 220*l* (being the ſtipend which had accrued during that time) was decreed to be laid out for the future benefit of the ſchool: part whereof was expended in repairs of the ſchool and ſchoolmaſter's houſe, part was laid out in a purchaſe of lands, and the remainder continues in South ſea annuities in the public funds, and the intereſt applied for the purpoſes of the original donation.

There is alſo a rent charge paid to the ſchoolmaſter of 6*l* a year out of an eſtate at Nateby, in conſideraton of 100*l* given to the owner of the ſaid eſtate by Sir Thomas Wharton knight, brother to Philip the third lord Wharton *.

Moreover, by deed bearing date Oct. 7. 1623, between John Knewſtubb of Cockfield and John Gauden of Mayland in the county of Eſſex of the one part, and the maſter, fellows, and ſcholars of St. John's college in Cambridge of the other part, they the ſaid John Knewſtubb and John Gauden grant to the ſaid maſter, fellows, and ſcholars an annuity of 11*l*, to be paid forth of certain lands called Squires in the pariſh and fields of South Minſter and Steeple in Eſſex, to be diſpoſed of as followeth; 20*s* yearly to the college, and 10*l* for the exhibition of two poor ſcholars commonly called ſubſizers, to either of them 5*l*. One of them, to be a ſcholar born and brought up in the pariſh of Kirkby Stephen, and of Mr. Knewſtubb's name and kindred, and for lack of ſuch, any other that hath been one whole year in the ſchool of Kirkby Stephen; and for lack of ſuch, to be taken forth of the ſchool of Appleby. The nomination of which ſcholar to be always by the vicar and ſchoolmaſter of Kirkby Stephen, ſubſcribed with both their hands, and ſent to the maſter and fellows of the ſaid college. And the ſaid 5*l* to be paid yearly, till the ſaid ſcholars be of ſtanding to take the degree of maſter of arts, and be capable of or have for their better maintenance a ſcholarſhip. And the other 5*l* to a ſcholar born in the pariſh of Cockfield, or elſe forth of the ſchool of Sudbury, or of Bury, in Suffolk. With the like limitations in reſpect to his kindred †.

This John Knewſtubb was born at Kirkby Stephen, fellow of St. John's college aforeſaid, and rector of Cockfield, where he died in the year next after eſtabliſhing theſe exhibitions. He was the author of "A confutation of "monſtrous and horrible hereſies taught by Henry Nichols, and embraced of "a certain number who call themſelves the Family of Love." He alſo publiſhed a ſermon and lectures on the 20th chapter of Exodus. At Cockfield is the following monumental inſcription:

Humillimus pientiſſimuſq; Dei ſervus, Johannes Knewſtub, hujus eccleſiæ de Cockfield per annos xlv *vigilantiſſimus et fideliſſimus paſtor, nutricius eccleſiæ et ſcholarum ſingularis; Chriſtianæ veritatis, ſalutiferæ evangelii doctrinæ, veræ*

* The original grant whereof the author of theſe memoirs hath ſeen in the hands of the late Mr. Atkinſon, vicar; but it is now ſaid to be loſt.

† From an account in Mr. Machel's collection, in the hand-writing of Mr. George Fothergill of Tarn-houſe, who was then one of the governors of the ſchool.

puræque

puræque religionis contra Antichriſtum Romanum ejuſque emiſſarios, acerrimus aſſertor et propugnator: Nullis hujus ſæculi procellis ſuccumbens, fortiter adverſus omnes caſus humanos, pro divini numinis gloria, ſumma cum tolerantia reſtitit. Tandem ſenio confectus, lxxx° *ætatis anno, ex hac miſerrima vita in cæleſtem patriam, pie ſancteque migravit,* xxix° *Maii, anno reparatæ ſalutis* 1624.

Kirkby Stephen is a conſiderable *market town*; noted for the ſale of a great number of ſtockings, knit there and in the neighbourhood. In the 25 Ed. 3. Roger lord Clifford obtained a grant for a market on Friday weekly, and two fairs yearly, one on St. Mark's day and the morrow after, and the other upon St. Luke's day and the morrow after, at his manor of Kirkby Stephen *.

And king James the firſt, by his charter bearing date the 10th day of March in the third year of his reign, granted to George earl of Cumberland (inſtead of the aforeſaid market and fairs) one market on Monday in every week, and two fairs yearly, one on the Wedneſday, Thurſday, and Friday after Whitſuntide, and the other on two days next before the feaſt of St. Luke and on that feaſt day; with a court of piepowder, tolls, tallages, and other juriſdictions thereunto belonging.

II.

MANOR OF KIRKBY STEPHEN.

The manor of Kirkby Stephen, in the time of the ſaid Roger lord Clifford, was all in the hands of the Cliffords, as parcel of the manor of Brough. Part of it hath been ſold off; and it now belongs to three ſeveral lords, namely, the earl of Thanet as deſcendent of the Cliffords, Sir Philip Muſgrave baronet, and Sir James Lowther baronet.

In the partition of the inheritance between the two daughters of the laſt Robert de Veteripont, in the reign of king Edward the firſt, we find that the manor of Kirkby Stephen was aſſigned to Idonea intire, except five acres of demeſne land there. And the yearly value thereof was eſtimated at 39*l* 16*s* 9*d*.

The inquiſition in the 8 Ed. 2. after the death of Robert de Clifford, finds, that at Kirkby Stephen he died ſeiſed of one capital meſſuage or manor houſe, worth by the year one ſhilling. Fifty acres of demeſne land, worth 4*d* an acre. Several acres of meadow, worth 16*d* an acre. Certain marſh land held by Henry de Warthecop, worth by the year 8*s*. Six oxgangs of land worth by the year 9*l*. Ten meſſuages of cottagers, worth 1*s* each. One water miln, worth by the year 6*l*.

In the inquiſition *poſt mortem* of Roger de Clifford, in the 1 Ed. 3. there is a like recital of particulars; and amongſt the reſt are, certain ſeparate paſtures called *Kyrkeby-cerne*, worth by the year 8*s*. There is no place now known by

* Dugdale MS.

ſuch

ſuch name. *Karne* is Britiſh, and ſignifies a *rock*. There is a romantic place, where the river Eden runs between Kirkby Stephen and Nateby, at *Stenkrith-bridge*, where there are numbers of rocks, with round holes therein, from one foot to ſix or more in diameter, and deep proportionably from ſix inches to one two or more yards. The largeſt of theſe, juſt above the bridge, is called *Coop-karnel hole*, by an evident derivation from *coop*, hollow, and *karn*, a rock. Whether theſe are the operations of nature or the effects of human labour hath been doubted. There are no other ſuch any where to be found thereabouts, or elſewhere in the county, but only juſt at this place, about 80 or 100 paces above and below the bridge. They cannot have been made by the river, for ſome of them are higher than the river ever riſes, unleſs perhaps ſometimes in an exceeding high flood. Dr. Borlaſe, in his account of Cornwall, deſcribes a rocky place formed exactly in the ſame manner, and concludes it to have been a Druid place of worſhip, and the hollows to have been made for waſhings, purifications, and the like. The ſituation here hath indeed, in other reſpects, much the appearance of Druidiſm; for it is well known that the Druids affected places of ſhade and ſolitude. To look down from Stenkrith bridge into the cavities amongſt the rocks, with wood hanging over, the water roaring by the depth of the fall, then foaming and as it were ſeeking a paſſage, then hiding itſelf and appearing again from the gaping clefts below, is apt to infuſe a kind of religious horror and veneration. Even the word *Stenkrith* hath in it ſomething of Britiſh. The *ſtone* there hath a mixture of red, which colour the Britons expreſſed by *rith*; as *Penrith* in Cumberland means *red-hill*.

It doth not appear where ſtood the ancient capital meſſuage or manor houſe above mentioned. There is a good houſe at a place called *Melbecks* (that is, between the brook which runs by it on one ſide, and the river Eden on the other; *mel* being an old word which ſignifies *between*; ſo the paſſage betwixt two doors is called *Meldoors)*; which houſe, together with a conſiderable eſtate in land, belonged to an ancient family of the name of *Hartley* at this place. Of whom, *Hugh Hartley* gentleman married Jane daughter of Mr. Rowland Scaife of Blaſterfield and Winton, and by her had iſſue, 1. *Edward*. 2. *Agnes*, married to Mr. Thomas Raw of Kirkby Stephen. 3. *Iſabel*, married to Mr. Michael Wharton of Wharton Dikes.

The ſaid *Edward Hartley*, ſon of Hugh, had a ſon *Hugh*; who alſo had a ſon *Hugh*; who had a ſon *Edward*; who had a ſon *Hugh*; who was ſucceeded by his brother *Alderſon Hartley*, M. A. vicar of Kirkby Stephen as aforeſaid; who, dying unmarried, was ſucceeded in this inheritance by his eldeſt ſiſter *Anne*, married to *Richard Yates*, M. A. ſchoolmaſter of Appleby as aforeſaid.

III.

MANOR OF HARTLEY.

It would be difficult to form any derivation of this word, as it ſtands corrupted in the preſent ſpelling, framed from the ſound only. But the further we go back, the more the true derivation unfolds itſelf. The

famous Sir Andrew, afterwards earl of Carliſle, was ſurnamed *de Harcla*; and in a few generations further back, the word was moſt commonly written *Hardclay*. And the ſoil of the place ſufficiently indicates the reaſon of the name.

This manor for a long time continued in the name of *Hardclay*. In the firſt year of the reign of king Edward the firſt, there was a diſpute concerning the manor of Dalſton in Cumberland, between *Michael de Harclay* knight (father of the ſaid Sir *Andrew*) plaintiff, and the biſhop of Carliſle defendant; wherein the plaintiff derived his deſcent from *Hervicius*, who was ſeized of the ſaid manor of Dalſton in the reign of king Henry the firſt, who was ſucceeded by his brother *Robert*, who was ſucceeded by another brother *Walter*, who had a ſon *Michael*, who had a ſon *Walter*, who had a ſon *Michael*, who had a ſon *William*, who had a ſon *Michael* the preſent plaintiff.

Accordingly, in the reign of king Henry the ſecond, to an agreement and compromiſe concerning the boundaries of the manors of Bleatarn and Muſgrave, the names of two of the witneſſes are, *Michael de Hardclay*, and *Walter* his ſon.

In the 6th year of king John, we find *Michael de Hardclay*, ſon of (the laſt) Walter.

In the 13th year of the ſame king, *John de Hardclay* was witneſs to Robert de Veteripont's grant to Shap abbey. Which *John* ſeems to have been a collateral, and not in the direct courſe of primogeniture.

In like manner, to a grant of lands and wood at Brampton, by Walter de Moreville to the ſaid Robert de Veteripont, one of the witneſſes was *John de Harclay*.

In the reign of king Henry the third, the grant of the advowſon of the rectory of Kirkby Thore, by Adam de Kirkby Thore to the ſaid Robert, was atteſted by *Michael de Hardclay*.

In the 14 Ed. I. in the partition of the inheritance between the two daughters and coheirs of the laſt Robert de Veteripont, mention is made of *Michael de Hardclay* holding the manor of Hardclay under them.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Andrew de Harcla* held the manors of Harcla and Smerdale; and that the wardſhip of Harcla, when it ſhould happen, was worth by the year 40 *l*; and of Smerdale, 6 *l* 13 *s* 4 *d*. And the cornage for them both 26 *s*.

In the 15th year of the ſame king, this *Andrew de Harclay* was created earl of Carliſle, to him and the heirs male of his body; which is the firſt record that mentions an intail of a title to the heir male. He was afterwards, in the reign of the ſame king, attainted, degraded, and executed for high treaſon as aforeſaid; and his eſtates being forfeited to the crown, the manor of Hartley was granted by the ſaid king to Nevil baron of *Raby*, who ſold the ſame to Sir *Thomas Muſgrave* of Muſgrave knight, in whoſe poſterity it ſtill continues.

The family of Muſgrave often reſided at Hartley caſtle, during which time the caſtle was kept in good repair; and there was a park behind it well

repleniſhed

repleniſhed with deer. It was a noble building, ſtanding upon an eminence, and overlooking the village of Hartley, the town of Kirkby Stephen, and many other villages. The late Sir Chriſtopher Muſgrave, father of the preſent owner Sir Philip Muſgrave baronet, in a great meaſure demoliſhed the ſame, and removed the materials of wood and lead for the reparation of his ſeat at Edenhall in Cumberland: and nothing now remains thereof, but the venerable ruins of part of the old walls.

There have at ſeveral times conſiderable quantities of lead been got within the manor of Hartley; and alſo a ſeam of coal hath been worked upon Hartley fell, being the ſeam of Stanemore coal diminiſhing gradually; but the profits thereof from time to time have not been thought ſufficient to encourage the continuance of the working.

IV.

MANOR OF WINTON.

WINTON probably had its name from ſome remarkable battle fought there: for *win* in the Saxon ſignifies battle; and to *win* is ſtill in uſe to denote victory in battle or otherwiſe. So there is *Wincheſter*, *Winwick*, *Winthorpe*, and the like.

This manor continued all along in the hands of the Veteriponts and Cliffords, as it doth in the poſſeſſion of their poſterity to this day; being parcel of the manor of Brough; without ever having been granted off to any inferior lord: Except ſome ſmall parcels thereof, which are now held under divers inferior lords, part thereof alſo having been infranchiſed at different times.

In the diviſion of the inheritance, in the reign of king Edward the firſt, between the two daughters and coheirs of the laſt Robert de Veteripont, we find that each of them had a moiety of the manor of Winton, the value whereof was then eſtimated in the whole at the yearly ſum of 48 *l* 4 *s* 6½ *d*.

In the 8th Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that the ſaid Robert de Clifford, on the day on which he died, held at Winton one capital meſſuage, worth yearly 1 *s*; 100 acres of demeſne land, worth yearly 6*d* an acre; 20 acres of demeſne meadow, worth 1 *s* an acre yearly; that he had there alſo foreland and waſte, worth yearly 5 *s*; 28 oxgangs of land, at 5 *s* a year each; 10 meſſuages of cottagers, worth each by the year 1 *s*; one water mill burnt, worth yearly 4 *l*; that there were alſo free tenants there, who paid yearly 6 *s* 4¾ *d*; and that Henry de Warthecop held there certain marſhy grounds, for which he paid yearly 8 *s*.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that the ſaid John, on the day on which he died, held at Winton 20 meſſuages, worth nothing in all iſſues above reprizes (by reaſon of the deſtruction made by the Scots); 40 oxgangs of land, worth yearly 3 *s* 4 *d* each; 80 acres

of meadow, worth yearly 6*d* each; 600 acres of paſture, worth yearly 1*d* each; and the water mill, worth yearly 13*s* 4*d*.

The capital meſſuage or manor houſe above mentioned ſeems to have been that which is now called the *hall*, at the upper end of the town. This hall belonged heretofore to the name and family of Scayfe; which appears to have been of ancient ſtanding in this and the neighbouring places. So early as the reign of Ed. 2. *John Scayfe* (in the 6th year of that king) ſerved in parliament as burgeſs for Appleby; and again in the 1ſt and in the 2 d of Ed. 3. In the 17 Ed. 3. *Thomas Scayfe* repreſented the ſaid borough in parliament. In the 4 Ed. 4. *Thomas Scayfe* was a juror on the inquiſition *poſt mortem* of the ſecond John de Clifford. In the 8 Eliz. *Miles Skeyffe* was conſtituted one of the firſt governors of Kirkby Stephen ſchool. There was one *major Scaife* in Oliver Cromwell's time, who obtained a conſiderable ſhare of the ſequeſtred eſtates. The laſt of the family in the direct line, Mr. *Robert Scaife*, ſold Winton hall to Mr. *Gerard Andrews*; whoſe daughter and heir Mrs. *Bowes Andrews* the preſent owner was married to *Bartholomew Dixon* gentleman, and hath no iſſue.

The *ſchool* is an handſome little building, which was erected in the year 1659, at the expence of ſeveral of the principal inhabitants and land owners, but chiefly of the reverend William Morland, M. A. who was bred at Jeſus college in Cambridge, was made ſchoolmaſter of Kirkby Stephen in the year 1630, and in 1639 was inſtituted to the rectory of Grayſtock in Cumberland, and ejected in 1650 by Cromwell's commiſſioners, and afterwards reſtored on the return of king Charles the ſecond.

In 1681, Robert Waller of Winton yeoman granted divers parcels of freehold land in Kaber to four feoffees in truſt for the uſe of the ſchoolmaſter.

And in the year 1722, Richard Munkhouſe of Winton gentleman, gave by his will, for the better endowment of the ſaid ſchool, the ſum of 100*l*; provided the feoffees, within 3 months after his deceaſe, ſhould grant the ſole nomination of a ſchoolmaſter on all future vacancies unto his brother Thomas Munkhouſe gentleman and his heirs for ever. He alſo gave 10*l* towards the repairs of the ſaid ſchool, and 40*s* for making a garden on the waſte ground thereto adjoining. In purſuance whereof, there are two ſtones put up in the front wall of the ſchoolhouſe, ſetting forth both the ſaid benefactions, and the conſent and agreement of the feoffees, that Mr. Thomas Munkhouſe and his heirs ſhall have the nomination of a ſchoolmaſter, reſerving to themſelves a power of diſplacing him (that is, for neglect, or immorality, or ſuch other cauſe for which a ſchoolmaſter by the laws of this realm may be deprived).

Mrs. Dorothy Munkhouſe, widow of the ſaid Mr. Thomas Munkhouſe, by her will in the year 1755 gave the legal intereſt of 50*l* for ever, for providing 6 loaves of Maſlin bread, to be diſtributed in Kirkby Stephen church every Sunday throughout the year, to ſix poor perſons reſiding within the pariſh; and appointed her ſon Richard Munkhouſe eſquire, his heirs and aſſigns, ſole truſtees of the ſaid charity.

IN

IN Kirkby Stephen churchyard is a monumental inſcription, which from the ſtrain of modeſty, filial piety, and unaffected ſimplicity with which it is adorned, we have thought not unworthy of our notice:

1762.

To the memory of the reverend Joſeph Langhorne of Winton and Iſabel his wife.

Her, who to teach this trembling hand to write
Toil'd the long day, and watch'd the tedious night,
I mourn, tho' number'd with the heavenly hoſt;
With her the means of gratitude are loſt.

John Langhorne.

This is that John Langhorne, D. D. who hath favoured the public with many elegant productions both in proſe and verſe; particularly,

Fables of Flora.
Effuſions of friendſhip and fancy: Being letters to and from ſelect friends. 2 Vols.
Letters between Theodoſius and Conſtantia. 2 Vols.
——— between St. Evremond and Waller. 2 Vols.
——— on the eloquence of the pulpit.
——— on religious retirement.
Life and writings of Collins.
Sermons before the honourable ſociety of Lincoln's Inn. 2 Vols.
Poems. 2 Vols.
Solyman and Almena.
Origin of the Veil.
Frederic and Pharamond.
Precepts of conjugal happineſs.
Verſes in memory of a Lady.
A diſſertation hiſtorical and political on the ancient republics of Italy.
The country juſtice, a poem: In two parts.
Plutarch's Lives: Tranſlated from the Greek. 6 Vols. This laſt in conjunction with his brother William Langhorne, M. A.

They both were natives of this place. Their father died when they were very young; and the mother, the ſaid Dr. Langhorne in one of his poems thus further pathetically laments:

Ah ſcenes belov'd! ah conſcious ſhades,
That wave theſe parent-vales along!
Ye bowers where fancy met the tuneful maids,
Ye mountains vocal with my Doric ſong,
Teach your wild echos to complain
In ſighs of ſolemn woe, in broken ſounds of pain.

For her I mourn,
Now the cold tenant of the thoughtleſs urn——
For her bewail theſe ſtrains of woe,

For

For her theſe filial ſorrows flow,
Source of my life, that led my tender years,
With all a parent's pious fears,
That nurs'd my infant thought, and taught my mind to grow.

* * * * *

O beſt of parents! let me pour
My ſorrows o'er thy ſilent bed,
There early ſtrew the vernal flower,
The parting tear at evening ſhed——
Alas! are theſe the only meed
Of each kind thought, each virtuous deed,
Theſe fruitful offerings that embalm the dead?

Then, fairy-featur'd Hope, forbear——
No more thy fond illuſions ſpread:
Thy ſhadowy ſcenes diſſolv'd in air,
Thy viſionary proſpects fled;
With her they fled, at whoſe lamented ſhrine,
Love, gratitude, and duty mingled tears,
Condemn'd each filial office to reſign,
Nor hopeful more to ſoothe her long declining years.

THIS village alſo the compiler of theſe memoirs boaſts as the place of his nativity.

V.

MANOR OF KABER.

From what original this place derives its name, doth not ſufficiently appear. It was always anciently written *Kabergh*. *Bergh*, it is well known, means *town*. Perhaps the other component of the word may have been the name of the owner: for *Kay* is a name yet not uncommon.

In the reign of king Henry the ſecond, we find a perſon of conſiderable note, of the name of *Robert de Kabergh*.

In the reign of king John, *Robert* ſon of *Robert de Kabergh* was a witneſs to divers inſtruments.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Alan de Kabergh* held of the ſaid Robert, on the day on which he died, the manor of Kabergh, by homage and fealty, and the cornage of 17*s* 8*d*.

In the next king's reign, we find the ſame or part thereof in the name of *Rookby*. For in the 9 Ed. 3. *Thomas de Rookby* obtained a grant of free warren in Kabergh. And in the 31ſt of the ſame king, *John de Rookby* levied a fine of the moiety of the manor of Kabergh. Or rather, this ſeems to denote the village of Rookby, as being part of the manor of Kaber at large.

Soon after this, we find Kaber in the name of *Fulthorp*, in which name it continued a long time.

In the 43 Ed. 3. *Roger de Fulthorp* held the ſame.

In the 15 Ric. 2. *William de Fulthorp*.

In the 17 Hen. 6. *Thomas Fulthorp*, who was one of the juſtices of the court of common pleas, held the manor of Kabergh.

In the 31 Hen. 6. *Alan Fulthorp* held the ſame; who was ſucceeded by his ſon *Chriſtopher Fulthorp*.

Thus by the inquiſition of Quo Warranto aforeſaid againſt Henry lord Clifford in the 19 Hen. 7. it appeared, that *Alan Fulthorp* held the manor of Kabergh of him the ſaid Henry, by homage and fealty, and the cornage of 17*s* 8*d*; and when ſcutage ran at 40*s*, then paying for the ſame 40*s*; and when at more, more; and when at leſs, leſs: And doing ſuit from month to month at the county court of our lord the king at his caſtle of Appleby. That *Chriſtopher Fulthorp*, ſon and heir of the ſaid *Alan*, ſucceeded his father therein.

In the 24 Hen. 8. there is a receipt by Ambroſe Middleton gentleman, feodary of Henry earl of Cumberland, of the ſum of 100*s*, for the relief of *John Fulthorp* eſquire ſon and heir of *Chriſtopher Fulthorp* eſquire, for the manor of Kabergh holden of the ſaid earl by the ſervice of one knight's fee, as of his caſtle of Appleby.

In the 1 and 2 Ph. and Mary, *Thomas Fulthorp* held the ſame.

Afterwards, the ſame appears to have been in the poſſeſſion of *George Wandesforth* of Kirklington in the county of York eſquire; who in the 2 Jam. 1. conveyed the manor of Kaber to *Robert Wadeſon* of Yafforth in the ſaid county yeoman; and in the 15th year of the ſaid king, *John Wadeſon* of Yafforth aforeſaid eſquire, afterwards Sir *John Wadeſon* knight, in conſideration of the ſum of 1200*l*, ſold the manor of Kaber to Robert Jackſon of Brough, Thomas Robinſon of Naitby, Robert Hindmore of Kirkby Stephen, and Anthony Fothergill of Trannahill in Ravenſtondale, in truſt for the inhabitants and land owners.

The ancient *manor houſe* ſtood where a barn hath been lately erected by the owner Mr. Thomas Granger. And behind it are two ſmall incloſures, which ſtill go by the name of the Orchards.

There is a ſmall *ſchool* at Kaber, erected by one Thomas Waller and the reſt of the inhabitants, and endowed by the ſaid Thomas Waller with the ſum of 133*l*, the intereſt whereof then amounted to 8*l* a year, as appears by the following inſcription over the ſchool door:

A yeoman of this town did live
Till he was old, and then did give
Unto this ſchool the yearly ſum
Of eight pounds for each year to come.
That children might be taught therein,
Behaviour and good diſcipline.

His

His name, his age, and day of death,
May all be ſeen here underneath.

Thomas Waller the donor. He died October the 17th, 1689. In the 79th year of his age.

In 1727, Miles Munkhouſe of Starrow gave 5*l* to the ſaid ſchool. And in 1744, George Petty of Kaber by his will gave 20*l*.

After the reſtoration of king Charles the ſecond, in the year 1663, there was an intended inſurrection of the republican party, and ſeveral for that purpoſe aſſembled at a place called Kaber-Rigg. But being prevented by the vigilance of the militia officers, they diſperſed, and ſeveral of them were apprehended; and in March following, captain Atkinſon and divers others of them were condemned and executed at Appleby for high treaſon †.

VI.

MANOR OF SOULBY.

The name of this place in ancient time was moſt commonly written *Sulleby*: whether from the name of the owner, or how otherwiſe, we have not found. But that the owners, in after time, received their name from the place, there is no doubt.

In the reign of king John, one of the witneſſes to the grant of the advowſon of the church of Kirkby Thore by Adam de Kirkby Thore to Robert de Veteripont, was *Henry de Sulleby*.

To a grant of lands at Brampton by Walter de Morvil to the ſaid Robert de Veteripont, one of the witneſſes was *Robert de Sullebi*.

To a grant of privilege to the men of Kirkby Thore, by John ſon of the ſaid Robert de Veteripont, one of the witneſſes was *Henry de Sulleby*.

In the 36 Hen. 3. a ſettlement was made, by *Richard* ſon of *Henry de Suleby*, on the marriage of *Robert* his eldeſt ſon with Alice eldeſt daughter of Sir Thomas de Hellebeck. Witneſſes whereof were, Sir William de Dacre, John de Moreville, Thomas de Muſgrave then ſheriff of Weſtmorland, William parſon of Croſby Gerard, Robert his brother, Henry de Standley, William de Warthecop, and William de Soureby.

The next we meet with was *William de Souleby*, who had a ſon and heir in wardſhip to Iſabella de Clifford; in whoſe right ſhe preſented to the rectory of Croſby Gerard, in the 25th year of the reign of king Edward the firſt.

But it ſeems that this ſon died ſoon after, and was ſucceeded by his ſiſter *Jehan* then alſo under age. For we find the wardſhip of the body and land of *Jo an*, daughter and heir of *William de Sulleby*, committed to John de Helton and

† Flem.

Agnes

Agnes his wife; rendring a reaſonable rent during her minority, to John St. John and Thomas Penerell, executors of the laſt will and teſtament of the ſaid Iſabella, widow of Roger de Clifford.

And ſoon after, we find the manor of Soulby in another name and family. For in 3 Ed. 2. on an inquiſition of tenants in Weſtmorland who held by cornage tenure, it was found, that *Thomas Muſgrave* of Muſgrave, who was then under age, held the manor of Soulby. And at the ſame time, Thomas Bowet held four oxgangs of land in Soulby and Warcop, for which he paid 6*d* cornage.

In 8 Ed. 2. *Thomas de Hellebeck* held a moiety of Soulby. The wardſhip of the ſaid manor, when it ſhould happen, was eſtimated at 30*l* a year; the cornage 13*s* 4*d*.

In the 32 Ed. 3. Sir *Thomas Muſgrave* obtained a charter of free warren, in his demeſne lands at Soulby.

In the 15 Ric. 2. *Thomas de Muſgrave*, *William de Wharton*, and *William de Styrkland*, held the manor of Soulby.

In the 10 Hen. 5. *Richard Muſgrave*, and *Henry de Wharton* held the manor of Soulby, the cornage whereof was then ſaid to be 11*s* 4*d*. And at the ſame time *William de Lowther* held 4 oxgangs in Soulby, and 16 acres in Warcop, of the yearly cornage of 6*d*. And *William de Styrkland* held divers lands and tenements at Soulby, of the like yearly cornage of 6*d*.

From henceforth, the manor of Soulby ſeems invariably to have continued in the name and family of *Muſgrave*; except only two or three tenements which are holden of Smardale hall, and ſeem to be thoſe which had been granted off ſeparate as abovementioned.

The *hall* or manor houſe, ſeems to have been in the grounds now called Hall-garths. And there are lands called the demeſne, now held in tenancy.

The *chapel* of Soulby was built at the coſt of Sir Philip Muſgrave baronet, lord of the manor, in the year 1663; and in the ſame year was conſecrated by biſhop Stern. In the act of conſecration it is ſet forth, that the ſaid Sir Philip Muſgrave and his heirs and aſſigns, lords of the manor of Hartley caſtle, ſhall repair the ſaid chapel from time to time: That the inhabitants of Soulby, in token of their ſubjection to the mother church, ſhall three times in the year at leaſt, of which Eaſter to be one, repair to the mother church, and there hear divine ſervice, and receive the ſacrament: That the ſaid Sir Philip Muſgrave during his life, and after his death his heirs and aſſigns, lords of the manor of Hartley caſtle, ſhall have power from time to time to nominate a fit miniſter, to be approved and licenſed by the biſhop: So as that the ſaid Sir Philip Muſgrave, and his heirs and aſſigns as aforeſaid, ſhall maintain the ſaid miniſter or curate, and allow him at leaſt 20*l* a year, at Chriſtmaſs, Lady day, Midſummer, and Michaelmaſs, by equal portions: And if the chapel ſhall continue void for ſix months, or if the curate for ſix months together ſhall not perform divine ſervice, the biſhop ſhall have

power to nominate a curate for that turn: And reſerving to the biſhop power of viſiting the ſame, as other chapels within his dioceſe.

This chapel is now worth upwards of 50*l* a year, ariſing from lands in the neighbourhood, part ſettled thereon by the patron and founder, and part purchaſed by queen Anne's bounty, towards the obtaining whereof the lady Gower gave 200*l* from a charitable fund eſtabliſhed by her father Thomas earl of Thanet.

VII.

MANOR OF SMARDALE.

SMERE is the ancient name of that ſort of graſs now called clover, and is a word not yet quite out of uſe in that reſpect. And in old times, this place was moſt commonly written *Smeredale.*

This manor was anciently in the family of the name *de Smeredale*, who came to it by purchaſe from *Thomas de Helbeck* in the 20 Ed. 1.

Afterwards, we find it in the poſſeſſion of Sir *Andrew de Harclay*; for in the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that Sir *Andrew de Harclay* held Harclay and Smerdale; that the wardſhip of Harclay was worth 40*l* a year, and of Smerdale 6*l* 8*s* 4*d*; and the cornage for them both 26*s*.

But after his attainder, this manor came again into the family of *Smerdale*; which family, like many of the reſt, ended in a daughter, who was married to a younger brother of the WARCOPS of *Warcop*.

In the 15 Ric. 2. after the death of Roger de Clifford, the inquiſition finds, that *Thomas* ſon of *John Warcop*, in the right of *Katherine* his wife, held of the ſaid Roger the manor of Smerdale, by homage and fealty and the cornage of 13*s* 4*d*.

In the 31 Hen. 6. *Thomas Warcop* of Lamberſet held the manor of Smerdale; and afterwards, in the ſame year, *Reginald Warcop* held the ſame. Which *Reginald* died in the 8 Hen. 7. as appears by inquiſition, *Edward Warcop* his ſon and heir being then 24 years of age.

Which *Edward Warcop* married Anne daughter of Thomas Layton, and by her had iſſue,

John Warcop of Smardale; who by a rental of Henry earl of Cumberland in the 18 Hen. 8. appears then to have held Smardale of the ſaid earl. He married Anne daughter of Jeffrey Lancaſter of Crake-trees; and had iſſue,

Thomas Warcop of Smardale, who lived in the reign of queen Elizabeth, and married Elizabeth daughter of Rowland Thornburgh, and by her had iſſue two daughters coheirs. *Frances* the elder was married to Sir *John Dalſton* of Dalſton in Cumberland knight, with whom he had Smardale. *Agnes* the younger was married to Talbot Bowes of Egleſton abbey eſquire, ſecond ſon of Sir George Bowes.

And

And here ended the name of *Warcop* of Smardale. Their arms were the ſame as thoſe of the Warcops of Warcop, viz. Sable, three covered cups Argent: with a creſcent for diſtinction of the younger houſe.

And thus the manor became transferred to the family of DALSTON, in which it ſtill continues.

The ſaid Sir *John Dalſton* of Dalſton was ſon of *Thomas*, from whom deſcended by a younger ſon the Dalſtons of Acorn Bank. Which *Thomas* was ſon of *John*, ſon of *Robert*, ſon of *Henry*, brother of *John*, ſon of *John*, ſon of *Henry*, ſon of *Simon*, ſon of *Henry*, ſon of *Adam*, ſon of *Henry*, ſon of *Reginald*, ſon of *Robert* (brother to Hubert de Vallibus firſt baron of Gilſland) to whom Ranulph de Meſchiens gave the barony of *Dalſton*, and who thereupon took the name *de Dalſton*.

In the deſcending line, the ſaid Sir *John Dalſton* had a ſon *John*, father of *George*, father of *William*, father of *George*, brother of *John*, father of *Charles*, father of Sir *George Dalſton* baronet, who died in 1765, leaving only an infant daughter *Elizabeth*.

The arms of *Dalſton* are; Argent, a cheveron ingrailed, between three ravens heads eraſed Sable, billed Or. The creſt; Out of a ducal crown Or, a falcon's head Proper.

Smardale *hall* is an ancient building, which was conſiderably repaired by the late Sir George Dalſton, who inhabited there for ſome time.

There hath been anciently a *chapel*, at a little diſtance from the hall weſtward; where is a well yet called Chapel-well, which ſprang up within the chapel.

VIII.

MANOR OF WAITBY.

This place was ſometimes anciently written *Wadeby*, ſometimes *Waldeby*; which ſeems to indicate its true derivation. *Waldeve* was a name not uncommon; ſo that *Waldeby* may probably ſignify the ſame as *Waldevi locus*, or *Waldeve's (Waltheof's)* ſeat or habitation.

King John, in the 5th year of his reign, granted the wardſhip of Hugh ſon of Jernegan to Robert de Veteripont; and Maud, widow of Henry Jernegan releaſed her dower in Karthorp near Tanfield in Yorkſhire to the ſaid Robert, who had the cuſtody of her ſon by the ſaid king's grant. Which Maud was daughter and heir of *Torphin de Wadeby*; and granted all her lands in Weſtmorland to the ſaid Robert, in the 8th year of that king. She was afterwards married to Hugh de Burgh her ſecond huſband, who confirmed the ſaid grant.

Not long after this, the manor of Waitby appears to have been divided into moieties, probably by the means of daughters coheirs.

About which time lived one *Gilbert de Wateby*, perhaps of a collateral branch of the family of *Torphin*; who was witneſs to many grants and other inſtruments, by the ſtyle and title of *Gilbert de Wateby Clericus*; by which it ſeemeth that he was the conveyancer.—After him, we find no other of the name *de Wateby*.

In the 3 Ed. 2. *William de Dacre* held a moiety of the manor of Wateby, as alſo of Orton, the cornage whereof was 12*s* 6*d*.

In the 8 Ed. 2. *Henry de Warthcop* appears to have had the other moiety of Wateby, together with the manor of Warcop; the wardſhip whereof was 30*l* a year, and cornage 17*s* 8*d*.

In the 11 Ed. 3. a fine was levied of a moiety of the manor of Waitby by *Robert Parving*; to hold to the ſaid Robert for life, remainder to Adam Peacock and the heirs male of his body, remainder to the right heirs of the ſaid Robert in fee.

In the 43 Ed. 3. *William de Dacre* levied a fine of a moiety of the manor of Waitby. And in the ſame year it is found by inquiſition, that *Robert Parvings*, *Elena Huthwayt*, and *William de Thwayts*, held the manor (perhaps the other moiety of the manor) of Waitby.

In the 15 Ric. 2. and again in the 4 Hen. 4. *William de Strykland* held a moiety of the ſaid manor, the cornage thereof being 7*s* 5*d*.

In the 10 Hen. 5. *William de Lowther* held a moiety of the manor of Waldeby, by the cornage of 7*s* 5*d*. And *Ralph* earl of *Weſtmorland* held the other moiety, together with the manor of Warthecop, by the cornage as aforeſaid of 17*s* 8*d*.

In the 31 Hen. 6. *George Nevil* knight, lord *Latimer*, held a moiety of Waitby called *Waitby-Agnes* [which argues that it had been formerly divided between coheirs], and which (as the inquiſition expreſſeth) *Richard Warcop* formerly held: And at the ſame time *Thomas Beauchamp* held the other moiety.

In the 19 Hen. 7. *Thomas Blenkinſop* held a moiety of the manors of Wateby and Orton; and *Thomas*, father of the ſaid *Thomas* (as the inquiſition ſets forth) died ſeiſed thereof in the 10 Ed. 4.

In the 18 Hen. 8. *John Bell*, *John Hoton*, the heirs of *Thomas Muſgrave*, and *Thomas Lancaſter*, in right of their wives, daughters and coheirs of *Thomas Beauchamp*, held a moiety of the manor of Wateby; and *Geoffrey Lancaſter* the other moiety.

After this, we have met with no further particular account, till the reign of king James the ſecond; when Sir *John Lowther* of Sockbridge, who married one of the coheirs of *Lancaſter*, ſold the lands, conſiſting of 33 tenements, to freehold.

And in 1713, his ſon *James Lowther* of Whitehaven, eſquire, ſold the *manor* to *Richard Munkhouſe* of Winton gentleman, from whom the ſame deſcended to the preſent owner Richard Munkhouſe of Winton eſquire.

The

The *ſchool* at Waitby was built in the year 1630, by Mr. James Highmore clothworker in London, who was born at Waitby; for the benefit of the inhabitants of Waitby and Smardale. And the ſum of 400*l* was given by him for that uſe, and for the uſe of the poor widows of thoſe places; twelve twopenny loaves being ordered by his will to be diſtributed every ſunday to twelve widows, being 60 years of age and upwards.

In a rental of the eſtates of Philip lord Wharton, in the latter end of the reign of queen Elizabeth, there is a place called *Abbot-hall* at Waitby, then in the tenure of the wife of James Hindmore, (which probably had belonged to ſome of the religious houſes,) holden of the ſaid lord Wharton: And the vicar of Kirkby Stephen held there of the ſaid lord certain improved lands upon Withbar and Calf cloſe, of the yearly rent of 9*s*.

IX.

MANOR OF NATEBY.

From whence *Nateby* had its name, we have not found. Perhaps it might be, from the *Nativi* or bondmen inhabiting there, attendent upon the caſtle of Pendragon; even as *Bondgate* was ſo called from its being the place of habitation of the ſervile tenants of the caſtle of Appleby. And the *Drengage* tenure was the like of divers inhabitants of places adjacent to the caſtle of Brougham.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Nicolas de Haſtinges* then held the manors of Nateby and Croſby Ravenſwath; that the wardſhip of the ſame, when it ſhould happen, was worth 40*l* a year; and the cornage for them both 27*s* 2*d*.

In the 43 Ed. 3. *Ralph Haſtinges* held the manor of Nateby of Robert de Clifford, by homage and fealty, and cornage of 13*s* 7*d*.

In the 10 Hen. 5. *Richard Haſtinges* held the ſame in like manner.

In the 18 Hen. 8. *Thomas Wharton* held the ſame of Henry earl of Cumberland; which heretofore (as the inquiſition expreſſeth it) was held by the heirs of *Nicholas Haſtings*.

After this, the ſame continued in the *Wharton* family all along.

In the year 1693, *Philip*, lord *Wharton* and *Thomas Wharton* his ſon convey to truſtees a cloſe of paſture called Naitby Birkett, parcel of a leaſe commonly called there Naitby leaſe, then in the poſſeſſion of *Hugh Wharton* gentleman or his aſſigns at the yearly rent of 16*l* 10*s*, and formerly at the rent of 22*l*: And all that cloſe of meadow and paſture called Low Field in Ravenſtonedale, late belonging to Robert Waller, which came to the ſaid Philip lord Wharton by forfeiture on the attainder of the ſaid Robert Waller, containing ſix acres: for the uſe of a licenſed diſſenting meeting houſe in Swaledale.

Finally, this manor of Nateby, together with the other Wharton eſtates in Weſtmorland, came by purchaſe to Robert Lowther eſquire, father of the preſent owner Sir James Lowther baronet.

X.

MANOR OF WHARTON.

WHARTON was anciently written *Wherton*, and when transferred into the barbarous latin of thoſe days *Querton*; for in the place of the letter *W* they frequently ſubſtitute *Q*, ſometimes *G*, as when for *war* they ſay *guerra:* But whether this place may have had its name from ſome battle fought there, can be only matter of conjecture.

So early as the reign of king Edward the firſt, there was a family of note at this place of the name of *Wharton.* One of whom married a daughter and coheir of Philip Haſtings of Croglin in Cumberland; whereby the Whartons obtained part of Croglin, as afterwards they got the whole. And it is remarkable, that the Haſtings' arms were the ſame as thoſe of the Whartons; or rather it may ſeem, that the Whartons took their arms at that time; viz. in a field Sable, a manch Argent.

Accordingly, in the next king's reign, we find, that *Henry de Quherton* preſented one W. de Edenhall to the rectory of Croglyn.

And by an inquiſition in the 3 Ed. 2. we find that *Henry de Querton* (the ſame perſon) held of Robert de Clifford the manor of Querton, by the cornage of 6*s* a year.

And in the 23 Ed. 3. we find one Piers Tylliol holding his tenement at Croglin of *Hugh de Wharton.*

And in the laſt year of the ſame king, *Hugh de Querton* preſented to the rectory of Croglin aforeſaid.

In the 15 Ric. 2. and again in the 4 Hen. 4. *William de Wherton* held the manor of Wherton, under the cornage aforeſaid of 6*s.*

In the 2 Hen. 5. *Richard de Wherton* ſerved in parliament as burgeſs for Appleby. And the 5 Hen. 5. *Richard de Wherton* ſerved as member for the county.

In the 10 Hen. 5. *Henry de Wharton* held the manor of Wharton of John de Clifford.

Notwithſtanding the indubitable authenticity of the preceding account, nothing of all this is taken notice of in the pedigree certified at the heralds viſitation in 1585. But the ſame begins with,

1. *Thomas Wharton*, who in the 31 Hen. 6. held the manor of Wharton of Thomas de Clifford. About which time alſo begins the pedigree of the Whartons of Kirkby Thore, with one *John*, probably a younger brother of this family. The ſaid *Thomas* married (as the pedigree ſets forth) a Lowther of Lowther. And by her had iſſue,

2. *Henry Wharton*; who married Alice daughter of Sir John Coniers of Hornby, knight, who had iſſue,

3. *Thomas*; who married Agnes daughter of Reginald Warcop of Smerdale: And by her had iſſue, (1) *Thomas*. (2) *Chriſtopher*. (3) *Joan*, married to John Fulthorp of Hipſwell. (4) *Florence*, married to Thomas Forſter of Ederſton.

4. Sir *Thomas Wharton* knight, advanced by king Henry the eighth to the dignity of baron, for the ſignal defeat which he gave to the Scots at Sollom-moſs.

He married to his firſt wife, Eleanor, daughter of Sir Bryan Stapleton of Wighill knight; and by her had iſſue, (1) *Thomas*. (2) Sir *Henry Wharton* knight; who married Joan, daughter of Thomas Maliverer of Allerton, who after his death married to her ſecond huſband Robert lord Ogle. (3) *Agnes*, married to Sir Richard Muſgrave knight. (4) *Joan*, married to William Pennington of Moncaſter eſquire. Beſides theſe, he had two other children who died in their infancy; as appears from the inſcription at the eaſt end of his monument aforeſaid in Kirkby Stephen church.—To his ſecond wife he married Anne daughter of George earl of Shrewſbury; and by her had no iſſue.

5. *Thomas*, ſecond lord Wharton, married Anne daughter of Robert Devereux earl of Suſſex; and died in 1572, leaving iſſue *Philip* and *Thomas*.

6. *Philip*, third lord Wharton, married to his firſt wife, Frances daughter of Henry Clifford earl of Cumberland; and by her had iſſue, (1) Sir *George Wharton* knight of the Bath; who married Anne daughter of John Manners earl of Rutland, but died without iſſue, being ſlain in a rencounter by Sir James Stuard knight, in 1609. (2) *Thomas*; who married Philadelphia daughter of Sir Robert Cary knight: this Thomas died in his father's life time, leaving iſſue Philip who ſucceeded to the title and inheritance. (3) *Franciſca*, married to Sir Richard Muſgrave baronet. (4) *Margaret*, married to Thomas lord Wooton. (5) *Eleanor*, married to William Thwaytes of Long Marſton in the county of York eſquire. The ſaid Philip, third lord Wharton, married to his ſecond wife Dorothy daughter of —— —— Colbie, and relict of —— —— Tamworth; and by her had a ſon *Henry*.

7. *Philip*, fourth lord Wharton, ſon of Thomas, and grandſon of Philip the third lord. He was active againſt the royaliſts, and colonel of a regiment of horſe, in the reign of king Charles the firſt; but was not aſſenting to that king's death and the abolition of the government.

He was thrice married; firſt, to Elizabeth daughter of Sir Rowland Wandesford of Pickhay in Yorkſhire, and by her had a daughter *Elizabeth* married to Robert lord Willoughby of Eresby, and after to Robert earl of Lindſey.

His ſecond wife was Jane daughter of Arthur Goodwin of Upper Winchendon in Buckinghamſhire; by whom he had (1) *Thomas*. (2) *Goodwin*. (3) Colonel *Henry Wharton*; who died at Dundalk in Ireland, of the ſickneſs which ſwept away great part of duke Schombergh's army. He was a brave bold man. In the reign of king James the ſecond, when Tirconnel was made governor

governor of Ireland, he aſſumed the habit of a player, and ſung before the king in the playhouſe the famous party ſong of Lillibullero. (4) *Margaret*, married to major Dunch of Puſey in Berkſhire. (5) *Mary*, married to William Thomas of Glamorganſhire eſquire. (6) *Philadelphia*, married to Sir George Lockhart of Carnwath.

His third wife was Anne daughter of William Carr eſquire, groom of the chamber to king James the firſt; by whom he had a ſon *William*, who was killed in a duel by Mr. Wolſey.

8. *Thomas*, fifth lord Wharton, ſon of Philip. He was very active in bringing about the revolution; and afterwards in oppoſing the Tory miniſtry in queen Anne's time. For which ſervices, he was made viſcount Winchendon and earl of Wharton, and laſt of all marquis of Wharton.

He married to his firſt wife a daughter of Sir Henry Lee of Dichley in Oxfordſhire, by whom he had no iſſue. To his ſecond wife he married Lucy daughter of lord Liſburne, and by her had iſſue, (1) *Philip*. (2) *Jane*, married to John Holt of Redgrave in Suffolk eſquire, and afterwards to Robert Coke eſquire. (3) *Lucy*, married to Sir William Morice baronet.

9. *Philip*, ſixth lord Wharton, and ſecond marquis of that name. He was about 17 years of age at the death of his father. He was a perſon of unbounded genius, eloquence, and ambition: had all the addreſs and activity of his father, but without his ſteadineſs: violent in parties, and expenſive in cultivating the arts of popularity; which indeed ought to be in ſome meaſure charged to his education under ſuch a father, who (it is ſaid) expended 80,000*l* in elections, an immenſe ſum in thoſe days; by which the eſtate became incumbered, and the ſon was not a perſon of œconomy enough to diſengage it. In a word, if the father and ſon had been one degree higher in life, and lived in Macedonia at the time of Philip and Alexander; they would have done juſt as Philip and Alexander did.

The young marquis ſet out in the world a violent Whig, and for his extraordinary ſervices, in parliament and out of it, was created *duke* of Wharton. After that, he ſet up in oppoſition to the miniſtry, then became a Tory, then a Jacobite, then a rebel to his king and country, and accepted a commiſſion in the king of Spain's army againſt Gibraltar.

He married Martha daughter of major general Holmes; which being not adequate to his father's deſigns and expectations, it is thought haſtened his father's death (for he died within ſix weeks after): By her he had a ſon, who died in his infancy. He afterwards married a maid of honour of the queen of Spain, who ſurvived him, but had no iſſue by him.

He died at the age of 32, in a Bernardine convent in a ſmall village in Spain, where the charitable fathers hoſpitably took him in; and was buried in the ſame poor manner in which they bury their own monks. †

† It is thought fit here to ſubjoin Mr. Pope's account of this extraordinary perſon; being one of the moſt finiſhed characters in all Pope's works:

"Wharton, the ſcorn and wonder of our days;
Whoſe ruling paſſion was the luſt of praiſe:

Born

The *arms* of the Whartons, as aforeſaid, are; Sable, a manch Argent. The creſt; On a wreath, a bull's head eraſed.—And king Edward the ſixth, in recompence of the ſervices of the firſt Thomas lord Wharton, granted to him an augmentation of his paternal coat, viz. a border ingrailed Or, charged with legs of lions in ſaltire gules, armed Azure.

The *village* of Wharton was demoliſhed long ago, to make room for the park and demeſne; and the tenants diſperſed to Wharton Dikes, about half a mile off, to the ſouth weſt.

The *hall* is now in ruins and deſolate, inhabited by no human creature but a poor hind. The eſtate was purchaſed by Robert Lowther of Mauls Meburn eſquire, father of the preſent owner Sir James Lowther of Lowther baronet.

XI.

FOREST OF MALLERSTANG.

Before the grant of the barony of Weſtmorland to Robert de Veteripont, the foreſt of Mallerſtang (with the reſt) belonged to Sir *Hugh de Morvill*; and there is a large round hill yet called Hugh Morvill's ſeat, where Anne counteſs of Pembroke erected a ſtone pillar, and upon one of the ſtones is this inſcription, A. P. 1664.

The caſtle of Mallerſtang, called *Pendragon caſtle*, is ſaid to have been built about the the time of Vortigern, by *Uter Pendragon*. Who this *Uter* was,

Born with whate'er could win it from the wife;
Women and fools muſt like him, or he dies.
Tho' wond'ring ſenates hung on all he ſpoke,
The club muſt hail him maſter of the joke.
Shall parts ſo various aim at nothing new?
He'll ſhine a Tully, and a Wilmot too.
Then turns repentant, and his God adores,
With the ſame ſpirit that he drinks and whores:
Enough, if all around him but admire,
And now the punk applaud, and now the friar.
Thus with each gift of nature and of art,
And wanting nothing but an honeſt heart;
Grown all to all, from no one vice exempt;
And moſt contemptible, to ſhun contempt;
His paſſion ſtill, to covet gen'ral praiſe;
His life, to forfeit it a thouſand ways;
A conſtant bounty, which no friend has made;
An angel tongue, which no man can perſuade;
A fool, with more of wit than half mankind;
Too raſh for thought, for action too refin'd;
A tyrant to the wife his heart approves;
A rebel to the very king he loves;
He dies, ſad outcaſt of each church and ſtate,
And, harder ſtill, flagitious, yet not great."

may be difficult to aſcertain. There was a family of the name of *Ughtred* of ancient time. And during the time of the Saxons in England before the Norman conqueſt, there was a famous warrior of the name of *Uchtred* ſon of *Waltheef* earl of Northumberland, who with a much inferior army gave the Scots under their king Malcolm a moſt ſignal overthrow: for which victory king Ethelred gave to *Uchtred* his daughter the princeſs Elgiva in marriage, and with her the counties of Northumberland and York for a portion.

Pendragon ſeems not to be properly the ſurname of a man, but an epithet only, deſcribing his warlike quality. *Pen*, it is well known, ſignifies a mountain, or ſomething that is great; and *dragon* in all ages hath been applied to military perſons. This *Uter Pendragon*, tradition reports, in order to fortify this his caſtle, endeavoured to draw the river Eden round it, but to no purpoſe; which occaſioned this proverb,

Let Uter Pendragon do what he can,
Eden will run where Eden ran.

After the death of John de Veteripont, in the reign of king Henry the third, the wardſhip of his ſon Robert, during his minority, was committed to the prior of Carliſle, who ſuffered great waſte to be committed in the eſtates of the ſaid Robert; and particularly, on an inquiſition thereof taken, it was found, that the vale of Mallerſtang was much decayed by the multitude of vaccaries, and chiefly by the archery of Roger the foreſter, and other archers of Lounſdale, by default of the prior and for want of keeping. Alſo, purpreſtures were made in many places within the foreſt, and in the boundaries of the foreſt, by ſufferance of the ſaid prior after he took upon him the guardianſhip.

After the death of Roger de Clifford, in the 11 Ed. 1. it was found by inquiſition, that the foreſt of Mallerſtang, in herbage and agiſtment and all other iſſues, was worth yearly 44*l* 7*s* 6*d*.

In the 8 Ed. 2. the jurors find, that in the vale of Mallerſtang there is one caſtle called Pendragon, with a vaccary held by Andrew de Harcla of the rent of 6*d* a year, and ſix vaccaries more worth 20*s* a year each, agiſtment worth 6*d* year, turbary 6*s* 8*d*, pleas and perquiſites of court 13*s* 4*d*.

In the 1 Ed. 3. the jurors find, that belonging to Roger de Clifford deceaſed was the caſtle of Pendragon, together with the foreſt of Mallerſtang to the ſame belonging; that the buildings in the caſtle cannot be extended, for that the coſts of maintaining the ſame exceed the profits thereof: That in the ſaid foreſt there are divers vaccaries and other profits of herbage in the hands of tenants at will, who pay yearly at Martinmaſs and Whitſuntide 30*l*.

In the 15 Ed. 3. the Scots burned this caſtle to the ground.

In the 36 Ed. 3. the king granted to Roger de Clifford in fee, the vaccary called Southwaite in the foreſt of Mallerſtang.

In the reign of king Edward the fourth, during the attainder of Henry lord Clifford, part of the eſtate was granted to Sir William Parr of Kendal caſtle; and after the death of Sir William, his ſon Thomas being under age and in

wardſhip of the king, the ſaid king granted to Lancelot Wharton the office of bowbearer of Mallerſtang in right of his ſaid ward †.

Over the entrance of the caſtle gate is this inſcription, "This Pendragon caſtle "was repayred by the lady Anne Clifford, counteſſe dowager of Pembroke, "Dorſett, and Montgomerie, baroneſſe Clifford, Weſtmerland, and Veſcie, "high ſheriffeſſe by inheritance of the county of Weſtmerland, and lady of "the honour of Skipton in Craven, in the year 1660; ſo as ſhe came to lye "in it herſelf for a little while in October 1661, after it had layen ruinous "without timber or any covering, ever ſince the year 1541. Iſaiah, Chap. "lviii. Ver. 12 ‡.

"God's name be praiſed."

She built alſo the bridge over the river Eden nigh the caſtle.

The caſtle was afterwards demoliſhed by Thomas earl of Thanet about the year 1685.

The ſaid counteſs alſo repaired and endowed the *chapel*, as appears by the following inſcription in the chapel porch:

"This chapple of Mallerſtang, after itt had layne ruinous and decayed "ſome 50 or 60 years, was newe repayred by the lady Anne Clifford countiſſe "dowager of Pembrooke, Dorſett, and Montgomery, in the year 1663; "who allſoe endowed the ſame with lands which ſhe purchaſed in Cawtley near "Sedbergh, to the yearly value of eleaven pounds for ever."—This eſtate ſhe gave for maintenance of a perſon qualified to read prayers and the homilies of the church of England, and to teach the children of Mallerſtang dale to read and write Engliſh, in the chapel there.

The ancient ſalary is about 3*l* 10*s* yearly. And in the year 1714, Thomas earl of Thanet gave 200*l*, wherewith an augmentation was procured from the governors of queen Anne's bounty, and an eſtate purchaſed in Garſdale. And in 1762, the counteſs dowager Gower gave 200*l* (being part of a charitable fund of her father the ſaid Thomas earl of Thanet) wherewith another bounty was procured, and an eſtate purchaſed nigh Sedbergh. And in 1772, ſhe gave other 200*l*, and thereby obtained another augmentation, wherewith an eſtate was purchaſed adjoining to the laſt above mentioned.

† Mach. from Dugdale.

‡ The words are: *And they that ſhall be of thee ſhall build the old waſte places; thou ſhalt raiſe up the foundations of many generations; and thou ſhalt be called, the repairer of the breach, the reſtorer of paths to dwell in.*——Biſhop Rainbow, in his funeral ſermon of this lady, pitched upon a text no leſs appoſite, viz. Prov. 14. 1. *Every wiſe woman buildeth her houſe.*

I. PARISH OF BROUGH.

THE pariſh of Brough was anciently part of the pariſh of *Kirkby Stephen*, even as *Greſmere* and *Windermere* were parts of the pariſh of Kendal. For pariſhes in England were not ſet out all at once, but the boundaries became aſcertained by uſage, or ſpecial agreement, or the extent ſometimes of the founder's eſtate.

Ivo de Talebois gave the church of Kirkby Stephen to the abbot and convent of St. Mary's York: The ſaid abbot and convent granted the advowſon of the vicarage of Kirkby Stephen to the biſhop of Carliſle and his ſucceſſors: And the biſhops, in conſequence thereof, claimed alſo the patronage of the *chapel of Burgh*.

On the other hand, *Robert de Veteripont*, having obtained a grant of *Appleby and Burgh*, with their appurtenances (*cum appendiciis*, with their *appendages*); his poſterity claimed the patronage of Brough, as appendant to the manor.

A third claim was put in by the crown, aſſerting that the patronage thereof had never paſſed out of the crown by virtue of the ſaid grant, but that it ſtill remained in the crown.

To this purpoſe there is a very notable record *, in the 15 Ed. 1. On an aſſiſe of *Darrein preſentment*, the king claimed the preſentation againſt Iſabella and Idonea, daughters and heirs of Robert de Veteripont; ſetting forth, that king Henry the third, father of the preſent king, preſented laſt to the church one William de Clifford, by whoſe ceſſion the church is now vacant. The ſaid Iſabella and Idonea on their own behalf ſet forth, that the manor of Burgh, with divers lands there, did heretofore belong to Hugh de Morvil, who forfeited the ſame, and thereupon they came into the hands of king Henry the ſecond; and after his death, into the hands of king Richard (the firſt), who preſented one Thomas Bowet: After king Richard's death, the ſame came into the hands of king John; who granted to Robert de Veteripont, anceſtor of the ſaid Iſabella and Idonea, Appleby and Burgh, with all their appurtenances: That to the ſaid Robert de Veteripont ſucceeded his ſon John: That the ſaid John de Veteripont dying, his ſon Robert (father of the ſaid Iſabella and Idonea) being then under age and in cuſtody of king Henry the third, and the church then becoming vacant, the ſaid king Henry the third preſented thereto one Peter de Chamberi: That the ſaid Robert de Veteripont dying, and the church then again becoming vacant by the death of the ſaid Peter de Chamberi, the ſaid Iſabella and Idonea being then under age and in cuſtody of the ſaid king; he the ſaid king Henry the third, in the name of his ſaid wards, did preſent one William de Clifford, by whoſe ceſſion the church is now again become vacant: And they further ſay, that in the firſt preſentation of the ſaid king Henry the third, one *W.* (Walter Malclerk) biſhop of Carliſle, by reaſon of the cuſtody of the lands of the ſaid Robert de Veteripont ſon of

* Machel from Dugd. MSS.

John

John being then in his hands, together with the advowſon of the church aforeſaid, by a grant from the ſaid king until the ſaid Robert ſhould be of full age, oppoſed himſelf to the ſaid preſentation; and that the ſaid king by his letters diſclaimed any thing to himſelf by virtue thereof, but only in the name of the ſaid Robert: And in like manner, on the ſecond preſentation by the ſaid king, Roger de Clifford and Roger de Leyburn having the cuſtody of the lands of the ſaid Iſabella and Idonea by a like grant from the crown until they ſhould come of age, the ſaid king by his letters teſtified, that they gave their aſſent to the ſaid preſentation for that turn, ſaving to them their right when the church ſhould again become vacant: And thereupon the ſaid Iſabella and Idonea, by virtue of the ſaid grant from king John, who gave to the ſaid Robert de Veteripont the ſaid manor and lands with all their appurtenances, inſiſt upon their right to preſent; becauſe the advowſon, though not ſpecially mentioned in the grant, was appendant to the ſaid manor. But by the court: Foraſmuch as in the ſaid grant no mention is made of the advowſon, but only *Burgh with its appurtenances*; in ſuch grant of the king, it is preſumed, that he retained to himſelf the advowſon, and did not grant the ſame. And judgment was given for the king.

Which judgment is very remarkable; and proceeds upon the diſtinction, that although in the caſe of a common perſon the grant of a manor *with the appurtenances* paſſeth an advowſon appendant to ſuch manor, yet in the caſe of the king it is otherwiſe, and the advowſon doth not paſs without being ſpecially named. And this ſhews, that the ſtatute of *Prerogativa Regis* made in the next king's reign (17 Ed. 2. c. 15.) was not introductory of a new law as to this matter, but only declaratory of what the law was before: Which enacteth, that "When our lord the king giveth or granteth land or a manor "with the appurtenances, without he make expreſs mention in his deed or "writing of knights fees, advowſons of churches, and dowers when they fall, "belonging to ſuch manor or land, then at this day the king reſerveth to "himſelf ſuch fees, advowſons, and dowers; albeit that among other perſons "it hath been obſerved otherwiſe."

And in purſuance of the aforeſaid judgment, the crown continued in poſſeſſion of this advowſon (though not without further conteſt both by the biſhop and the poſterity of the ſaid Robert) until king Edward the third, at the inſtance of his chaplain *Robert Eglesfield*, who was rector of this church and founder of Queen's College in Oxford, granted the ſame to the ſaid college; in the patronage of which college it ſtill continues.

The pariſh of Brough is bounded on the Eaſt by the pariſhes of Romaldkirk and Bowes in the county of York; on the South, by the pariſh of Kirkby Stephen; on the Weſt, by the pariſh of Muſgrave; and on the North, by the ſaid pariſh of Romaldkirk: And contains about 210 families, all of the church of England.

The church is dedicated to St. Michael; and is a vicarage, valued in the king's books at 8 *l* 18 *s* 9 *d*.

The ſucceſſion of incumbents, ſo far as we have any account, hath been as follows:

So early as the reign of king Richard the firſt, we have found *Thomas Bowet*, preſented by that king, as in poſſeſſion of the advowſon after the forfeiture of Sir Hugh de Morvil; and without any oppoſition, ſo far as appears, from the abbot and convent of St. Mary's York, to whom the church of Kirkby Stephen did then belong. But during the incumbency of Thomas Bowet, we find a diſpute between the ſaid abbot and convent on one part, and Walter Malclerk biſhop of Carliſle on the other part, concerning the church of Kirkby Stephen; which was referred to the prior of Carliſle and other arbitrators, who awarded, that the church of Kirkby Stephen with all its appurtenances (namely, the *chapel* of *Burgh* with its appurtenances, and if there be any other which ought to be called chapels) ſhall be ceded to the ſaid abbey; that after the ceſſion or death of Thomas Bowet, the chapel of Burgh ſhall accrue to its mother church of Kirkby Stephen, without any impediment of the biſhop of Carliſle.

However, in the next biſhop's time, in the year 1248, which was the 34th year of king Henry the third, the abbot and convent (ſo far as concerned the diſpute between them and the biſhop) granted to Silveſter biſhop of Carliſle and his ſucceſſors the advowſon of the church of Burgh.

Nevertheleſs, the biſhop's claim did not take place; for on the death of Thomas Bowet, the ſaid king Henry the third preſented the aforeſaid *Peter de Chamberi*, Robert de Veteripont ſon of John being then under age and the king's ward, though the king had granted the cuſtody of the lands of the ſaid Robert to the biſhop as aforeſaid.

On the death of Peter de Chamberi, the ſaid king Henry the third preſented *William de Clifford*; the two daughters and coheirs of the ſaid Robert being then under age, and the king's wards.

On the ceſſion of the ſaid William de Clifford, the right of preſentation was conteſted as aforeſaid between king Edward the firſt and the ſaid two daughters of Robert de Veteripont; which ended in favour of the king's title. And *John de Langton* ſeems to have been then preſented by the king. For in the 33 Ed 1. *John de Langton*, rector of Burgh, reſigns his living, on being made biſhop of Chicheſter; and thereupon the king preſented *Hugh de Burgh*, and Robert de Clifford knight preſented *William de Corby*. On a *jus patronatus* iſſued, the jurors ſay, that the church is vacant by the reſignation of John now biſhop of Chicheſter; that the king laſt preſented the ſaid John to the ſaid church; that the ſaid church is penſionary to the biſhop of Carliſle in 20*s* yearly; that concerning the right of patronage they are in doubt; for that Adam de Ulveſby, ſteward of the biſhop, appeared in taking the inquiſition, and produced a charter of the abbot and convent of St. Mary's York, which teſtifieth, that the ſaid abbot and convent had granted the patronage of the ſaid church to Silveſter biſhop of Carliſle and his ſucceſſors; and that Nicholas de Grendon, bailiff of the ſaid Robert de Clifford, appeared alſo, and propounded *ore tenus* in the name of the ſaid Robert, that he the ſaid Robert is

the

the true patron, for that king John granted to the anceſtor of the ſaid Robert the manor of Burgh with the appurtenances. The reſult was, that *Hugh de Burgh*, the king's preſentee, was inſtituted.

The next incumbent ſeems to have been *William de Northwick*. For on the death of William de Northwick, rector of Burgh, in the 8 Ed. 3. 1332, the king preſented the above mentioned *Robert de Eglesfield*; which Robert was founder of Queen's college in Oxford as aforeſaid, for the education and emolument chiefly of perſons born within the two counties of Weſtmorland and Cumberland: a moſt beneficial inſtitution, as thoſe two counties above all others were over-run with ignorance and barbariſm, occaſioned by the perpetual hoſtilities which exiſted between the neighbouring borderers on both ſides; and which hath been productive of infinite advantage, not only to the ſaid two counties, but to the kingdom in general, in furniſhing many able and learned men for the ſervice both of church and ſtate. In honour of whoſe memory, we have thought fit to lay together all that hath occurred to us concerning the family of *Eglesfield*. They were of *Eglesfield* [Eagles-field], a ſmall village in Cumberland, from whence they derived their ſurname.

So early as the reign of king Henry the third, we find in the 44th year of that king, a ſuit at law, between *Adam* ſon of *Richard de Eglesfield* plaintiff, and *Henry de Eglesfield* defendant, concerning a mill in Eglesfield: which implies, that the family were then lords of the manor; for the mills generally in ancient time belonged to the lords of manors, being erected by them for the uſe of their tenants; and it ſeemeth, that the tenant, without the lord's permiſſion, could not erect a mill; moſt of the tenants being bound by their tenure to grind their corn at the lord's mill.

The next account that we have is in the 1 Ed. 3. in which we find, that *Robert de Eglesfield* held the manor of Ravenſwyke. And this probably is the ſame *Robert de Eglesfield* [or, as the name is ſpelt in the biſhop's regiſter, *Eglesfeld*] of whom we now ſpeak. Dr. Todd ſays, he was ſon of *John Egleſfield* by *Beatrix* his wife; which probably may be true: but he doth not cite his vouchers. As to the other particulars here mentioned, we have undoubted authority; the ſame being extracted from the Eſcheators books for Cumberland, as copied by Mr. Denton.

In the 12 Ed. 3. there was a grant of free warren to *Robert Eglesfield*, in the manors of Eglesfield, Dregg, and Ravenwyke.

In the 14 Ed. 3. it is found by inquiſition, that *Robert Eglesfield*, granted the hamlet of Ravenwyke to the provoſt and ſcholars of Queen's college [*Aulæ Reginæ*] in Oxford, holden of the king *in capite*, by homage and fealty and the rent of 2*s* 8*d* to be paid yearly into the exchequer at Carliſle. And the inquiſition further finds, that the ſaid Robert held 40 marks of land and rent in the manors of Eglesfield and Dregg, of Anthony Lucy (lord of Cockermouth) by fealty and 6*s* 8*d* yearly.

In the 32 Ed. 3. *John Eglesfield* [heir general, probably, of the family] infeoffed Roger Kirkbride and John Browne chaplains in lands at Langholme, Caſtle Carrock, Gamelſbie, Cringledyke, Hetherford, Burgh, Crookdaik, Eglesfield, Newton, and Kirkbampton, to the uſe of *John* his ſon and heir.

In

In the 35 Ed. 3. *John de Eglesfield* appears to have been lord of Langholme, and to have had lands at Crookdaik, Eglesfield, and Kirkbampton.

In the 39 Ed. 3. *John de Eglesfield* held the manor of Eglesfield, by homage, and 6*s* 8*d* cornage; the extended value thereof being ten marks.

In the 44 Ed. 3. Maud widow of John de Ribbeton held lands in Eglesfield, of *John de Eglesfield* lord thereof.

In the 22 Ric. 2. *John Eglesfield* held in free tenancy the manor of Eglesfield, of the caſtle and manor of Cockermouth, by the ſervice of 6*s* 8*d*.

In the 9 Hen. 8. *Gawin Eglesfield* eſquire was high ſheriff of the county of Cumberland.

In the 34 Hen. 8. from a general feodary for Cumberland, compiled in that year from the rolls of the court of wards and liveries, it appears, that *Richard Eglesfield* then held the manor of Eglesfield of our lord the king as of his caſtle of Cockermouth, by homage and fealty, and 6*s* 8*d* cornage, and the ſervice of witneſman in five villages to be performed; that he held alſo the manor and village of Alingburghte; and divers meſſuages, lands, and tenements in Dreigg in Coupland in the ſaid county of Cumberland, of the king as of his caſtle of Egremont, by knights ſervice, homage, fealty, ſuit of court, 6*s* 8*d* cornage, and 12*d* for ſeawake, and puture of the ſerjeants.

In the 5 Ed. 6. *Richard Eglesfield* eſquire was high ſheriff of the ſaid county of Cumberland. And this is the laſt of the name and family that we have found at Eglesfield *.

The ſaid *Robert de Eglesfeld*, on his preſentation to the rectory of Burgh, was inſtituted in the perſon of *Adam de Eglesfeld* his proxy. He was ordained prieſt in the cathedral church of Carliſle in Lent following. The right of preſentation, at this vacancy, was conteſted by Robert de Clifford in the courts at Weſtminſter, and judgment given for the king. In 1342, the profits of the rectory were ſequeſtred by the biſhop, for the non-reſidence of the ſaid *Robert de Eglesfield*; whereupon the king ſent a writ of relaxation, the ſaid *Robert* being employed in attendance upon the king's perſon.

In the year 1344, the church was appropriated, by pope Clement the ſixth, to the provoſt and ſcholars of the ſaid college; and an account was then taken of the value of the living, which was then rated at 53*l* 16*s* 7*d*, though in the time of William de Northwick (the inquiſition ſays) it was ſometimes worth 100*l* a year: whereof the vicar was endowed with the manſe and glebe, with lands at Helbeck, the tithes of hay of Helbeck and Sourby, Great Burgh and Little Burgh (the tithes of hay of Stayneſmore being excepted, which were to remain to the college); the tithes of mills, milk, calves, colts, and preſcriptions for the ſame; the tithes of flax, hemp, Lent fines, mortuaries, oblations, obventions, and all ſmall tithes (except the tithes of wool and lamb). The vicar to ſuſtain all charges ordinary and extraordinary, and to pay the penſion of 20*s* yearly to the biſhop, and to maintain the roof of the chancel.

The next after Robert Eglesfield that we find was *John Rainold*, vicar of Burgh; who in the year 1369 made an exchange with *John de Merton* vicar of

* For a liſt of the provoſts of Queen's college, ſee the Appendix, N° III.

St.

St. Michael's Appleby; and the provoſt and ſcholars thereupon preſented the ſaid John de Merton to the vicarage of Brough.

The next that we have found was of the name of *Raiſbeck*; who in the year 1506 oppoſed the eſtabliſhing of a chapel at Brough, as will appear.

The next that hath occurred to us is *Thomas Rigg*, whoſe epitaph was depicted in one of the windows in the chancel, legible in biſhop Nicolſon's time all but the date: "Orate pro anima magiſtri Thomæ Ryge, quondam vicarii iſtius "eccleſiæ; et pro animabus parentum, benefactorum, parochianorum ſuorum, "ac omnium fidelium defunctorum: Quorum animabus propitietur Deus." He appears to have been living in 1532.

In the year 1537, 28 Hen. 8. after Aſk's rebellion in that year, we find a vicar of Brough, but his name is not mentioned, in a letter from the duke of Norfolk to the king——"Aglianby, I doubt not, or now hath ſhewed your "highnes what was done att Carliſle. And thoughe none were quartered, "becauſe I knewe not your pleaſure therein before; yett all the threeſcore and "fourteene be hanged in cheaines or ropes uppon gallowes or trees, in all ſuche "townes as they did dwell in. And whereas your majeſty would have ſend the "vickar of Perith to you; it is not of Perith, but of Brughe, that your grace "doth meane, for there is none ſuche: for whome I have ſent to my lorde "of Cumberland, for I lefte him in his keepinge. And alſo I have for "doctor Towneley, and doubt not within three daies to have them both with "me, and ſoe ſhall ſend them up †."

In 1568, we find *Lancelot Shaw*, M. A. vicar of Brough.

In 1594, *Roger Salkeld*, M. A. was preſented by the provoſt and ſcholars, on the death of *Lancelot Shaw*.

In 1611, *David Heckſletter*, S. T. B. was inſtituted, on the death of Roger Salkeld.

In 1623, on David Heckſletter's death, *William Richardſon*, S. T. B. was inſtituted.

In 1664, *Chriſtopher Harriſon*, M. A. was inſtituted, on the preſentation of the provoſt and ſcholars.

In 1695, *Joſeph Fiſher*, M. A. was inſtituted, on the death of Chriſtopher Harriſon. He was afterwards archdeacon of Carliſle.

In 1703, on the death of Joſeph Fiſher, *Francis Thomſon*, S. T. B. was inſtituted; who died in the year 1735. His wife, who was widow of the ſaid Joſeph Fiſher, died two years after him. They had two ſons; the elder, John Thomſon eſquire, now one of his majeſty's juſtices of the peace for the county of Weſtmorland: The younger ſon, William Thomſon, M. A. late fellow of the ſaid college, rector of Southweſton and Hampton Poyle in the county of Oxford, was author of a volume of elegant poems publiſhed in the year 1757. The ſaid William Thomſon cauſed two epitaphs to be ingraved in the chancel of Brough church in memory of his parents; which, being much above the common run of monumental inſcriptions, and withal extremely characteriſtic of the perſons deſcribed, are here inſerted:

† From the lords anſwer to the tenants remonſtrance concerning tenantright. MS.

1.

Dear to the wife and good, by all approv'd,
The joy of virtue, and heaven's well belov'd!
His life inſpir'd with every better art,
A learned head, clear ſoul, and honeſt heart.
Each ſcience choſe his breaſt her favourite ſeat,
Each language, but the language of deceit.
Severe his virtues, yet his manners kind,
A manly form, and a ſeraphic mind.
So long he walk'd in virtue's even road,
In him at length, 'twas natural to do good.
Like Eden *, his old age (a ſabbath reſt!)
Flow'd without noiſe, yet all around him bleſt!
His patron, Jeſus; with no titles grac'd,
But that beſt title, a good pariſh prieſt.
Peace with his aſhes dwell. And, mortals, know,
The ſaint's above; the duſt alone below.
The wife and good ſhall pay their tribute here,
The modeſt tribute of one thought and tear,
Then penſive ſigh, and ſay, "To me be given,
"By living thus on earth, to reign in heaven."

2.

Here reſts a pattern of the female life,
The woman, friend, the mother, and the wife.
A woman form'd by nature, more than art,
With ſmiling eaſe to gain upon the heart.
A friend as true as guardian angels are,
Kindneſs her law, humanity her care.
A mother, ſweetly tender, juſtly dear,
Oh! never to be nam'd without a tear.
A wife, of every ſocial charm poſſeſt,
Bleſſing her huſbands, in her huſbands bleſt.
Love in her heart, compaſſion in her eye,
Her thoughts as humble, as her virtues high.
Her knowledge uſeful, nor too high, nor low,
To ſerve her maker and herſelf to know.
Born to relieve the poor, the rich to pleaſe,
To live with honour, and to die in peace.
So full her hope, her wiſhes ſo reſign'd,
Her life ſo blameleſs, ſo unſtain'd her mind,
Heaven ſmil'd to ſee, and gave the gracious nod,
Nor longer would detain her from her God.

* The river Eden runs not far from Brough.

The

The ſaid Francis Thomſon was ſucceeded by *Thomas Hodgſon*, M. A. on the the preſentation of the provoſt and ſcholars in 1735.

In 1768, on the death of Thomas Hodgſon, *Thomas Barnett*, M. A. was inſtituted on the like preſentation.

The CHURCH at Brough is a pretty large handſome ancient building. The *ſteeple* is not ſo old; having been built about the year 1513, under the direction of Thomas Blenkinſop of Helbeck eſquire. There are in it four excellent bells, by much the largeſt in the county, except the great bell at Kirkby Thore. Concerning theſe bells at Brough, there is a tradition, that they were given by one *Brunſkill*, who lived upon Stanemore, in the remoteſt part of the pariſh, and had a great many cattle. One time it happened that his bull fell a bellowing, which in the dialect of the country is called *cruning* (this being the genuine Saxon word to denote that vociferation). Whereupon he ſaid to one of his neighbours, Heareſt thou how loud this bull crunes? If theſe cattle ſhould all crune together, might they not be heard from Brough hither? He anſwered, Yea. Well then, ſays Brunſkill, I'll make them all crune together. And he ſold them all; and with the price thereof he bought the ſaid bells: (Or perhaps he might get the old bells new caſt and made larger.)—There is a monument in the body of the church, in the ſouth wall, between the higheſt and ſecond windows; under which it is ſaid the ſaid Brunſkill was the laſt that was interred.

At the ſouth end of the communion table is this inſcription: "Here lyes "Mr. Gabriel Vincent, ſtuart to the right honourable Anne Clifford, counteſs "dowager of Pembroke, Dorſet, and Montgomery, and chief director of "all her buildings in the north; who died in the Roman tower of Brough "caſtle, like a good chriſtian, the 12th of February 1665, looking for the "ſecond coming of our ſaviour Jeſus Chriſt."

The *pulpit* is of ſtone. There was heretofore an handſome *reading deſk*, given by Sir *Cuthbert Buckle* knight, vintner in London, who was born upon Stanemore in this pariſh, and was lord mayor of London in the year 1593. His name was upon the deſk thus: "By Cuthbert Buckle, Anno Domini "1576."—He alſo built a bridge upon Stanemore, which ſtill bears the name of *Buckle's bridge*; and gave 8 *l* a year to a ſchool upon Stanemore.

There was a *chantry* in this church founded in king Henry the third's time, by Thomas ſon of Thomas de Muſgrave; who granted certain lands and tenements to God and St. Mary the virgin and to his chapel of Burgh under Stanemore, and to Sir William de Aſkeby chaplain, and his ſucceſſors ſerving God there, whom he and his heirs ſhould preſent to the ſaid chapel. To which grant was witneſs (amongſt others) Sir Michael de Harclay.

But it ſeemeth that the preſentation to this chantry was ſoon after transferred to the family of Helbeck. For in the next king's reign, 19 Ed. 1. Thomas de Hellebeck preſented Sir Eudo de Appleby to the chantry in the town of Burgh, which had been founded and endowed by Sir Thomas Muſgrave knight, and unto which the ſaid Thomas preſented William de Aſkeby.

The altar of this chantry was in the north ile, called our Lady's ile, or Lady-porch.

Adjoining to which ile, from the eaſt end thereof towards the veſtry, was a little quire, called the cloſet, which belonged to the Blenkinſops of Helbeck; for the erecting of which, Thomas Blenkinſop eſquire by his will in 1522 gave four marks, and alſo lime and other neceſſaries.

The *painting* in the *windows* of this church hath in former times been very extraordinary. The reverend Thomas Machel, who had a peculiar taſte that way, took a particular account of ſo much as was remaining thereof about the year 1675, which was as follows, beginning with the eaſt window in the chancel, and ſo going round by the ſouth, weſt, and north.

In the eaſt window of the chancel, three lights; 1. The virgin Mary. 2. The crucifix. 3. The other Mary. Above the crucifix, had been the Cliffords arms, part of the chequer remaining. Under all, the aforeſaid epitaph of Thomas Ryge.

In the next window in the chancel, ſouthward; three lights: 1. At the top, an eſcutcheon Azure, with the hands and feet of our ſaviour ſaltier-wiſe Argent, and an heart in feſs point Gules: They are the five vulnera, in honour of which the papiſts keep a feſtival. In the middle of the ſaid light, the lady Mary, with a crown on her head, in a blue robe, under which ſome children kneeling before St. Michael; and underneath, this ſcroll, "Ora pro nobis ſancte Michael." St. Michael was pictured with green wings, a ſcarlet robe above a white one (as St. Mary had alſo), and a pair of ſcales in his right hand, in one ſcale ſomething like a lion or dragon [perhaps to ſignify the devil, with whom the ſcripture repreſents Michael to have contended]; in the other ſcale the bible or maſs book. Underneath, in a roundel, the reſurrection of Chriſt. 2. The virgin Mary praying, in the ſame robes as the former, with yellow hair; with St. Michael behind her. Above her head, our ſaviour with a globe in his left hand. The reſt defaced. 3. In the middle of this light, a biſhop with a book in his right hand, and a croſier in his left. Above him, an eſcutcheon, with all the inſtruments of our ſaviour's perſecution. Underneath, in a roundel, Queen's College arms; and on a ſcroll wrapped about the wreath "Meus Jeſus eſt amor."

In the ſecond ſouth window in the chancel, over the door, two lights; 1. The virgin Mary, with our ſaviour in her right arm, and a ſcepter in her left hand: Underneath, this coat of arms; Argent, a croſs Sable, and on a ſcroll wrapped about a rod in a roundel "Karlio . . . . [for ſome of the biſhops]. 2. St. George. The reſt defaced.

In the third ſouth window in the chancel, 1. Edward the Confeſſor. 2. Nothing. Above both, T. R. for Thomas Rigg. Underneath, a fragment of the ſame inſcription as before.

In the body of the church, in the higheſt ſouth window, in diamond ſquares, J H S. The reſt defaced.

In the ſecond ſouth window, two lights; 1. St. Peter, and under him the virgin Mary and a boy praying, with this ſcroll from his mouth, "Mater Dei!"

And

And under them both, "Sancta Maria ora pro nobis." 2. Our ſaviour in a ſitting poſture.

In the third ſouth window, which is below the pulpit, three lights; 1. St. John. Underneath, St. Michael in white, with yellow edgings and yellow wings: In the one ſcale the child Jeſus; in the other, a like animal as before. 2. The virgin Mary, with Chriſt in one hand, and a ſcepter in the other. Underneath, a monk in white praying, with this ſcroll, "Fili Dei miſerere mei." 3. Defaced. Under all, "Orate pro anima domini Thomæ Rud, qui iſtam feneſtram fieri fecit."

In the fourth ſouth window: All ſaints, their picture and names. With the ſcaling ladders from the ſeven ſacraments.

In the fifth ſouth window, two lights; 1. St. John Baptiſt. 2. St. John the evangeliſt, with a cup.

In the ſteeple window; St. John, with a cup. And in a little vacancy, the Muſgrave arms.

In the weſt end window of the north ile, the letter R, for Rigg.

In the firſt north window beginning from the weſt end, two lights; 1. A ſaint defaced. 2. Another ſaint, with this inſcription, "St. John Gryzoſtem;" with a fur about his neck, and a red cope with a croſs.

In the ſecond north window, two lights; 1. Defaced. 2. St. John of Beverlay.

In the third north window, two lights; 1. The angel Gabriel, ſaluting the virgin Mary; from his mouth this ſcroll, "Ave, graciæ plena, dominus tecum." 2. The virgin Mary; the Holy Ghoſt aſcending, and Chriſt with a croſs deſcending. The ſcroll, "Ecce fiat mihi ſecundum voluntatem tuam." Above all, an eſcutcheon Or, with an hammer and pair of pincers Sable.

In the fourth north window, three lights; 1. St. John Baptiſt. 2. Defaced. 3. St. John the evangeliſt, with a cup.

In the Blenkinſop quire, the north window, three lights; 1. The virgin Mary, or rather St. Katharine, though ſhe be crowned, for ſhe has in her left hand a Katharine wheel. Above, the Blenkinſop arms, quartering Salkeld, Vaux, and Helbeck. 2. A biſhop, with a croſier. Above, the Blenkinſop arms. 3. St. Michael.

At the vicarage houſe, on the right hand of the gate, is cut in ſtone J H S; and underneath, T. R. for Thomas Rigg, who built it and the wall.

In the parlour were the college arms, and an eagle, with this motto, "Noſce teipſum." In the hall, biſhop Robinſon's arms impaled to Carliſle; *viz.* 1. Carliſle. 2. Robinſon; Azure, a pike bend-wiſe Argent. On a feſs of the ſecond, a red roſe between two roundlets Gules.—Eagles, in ſeveral parts; being the arms of *Eglesfield*.

At the further Brough, there was a *chapel* or *oratory*, founded by John Brunſkill (probably the ſame who gave the bells) in 1506. Unto whom, Thomas Blenkinſop eſquire of Helbeck gave the ground called Gibgarth, on condition that he ſhould build a chapel there; and alſo an *hoſpital*, with two beds in it for travellers and other poor people; and maintain and repair the ſame

ſame for ever: paying to him and his heirs 2 *d* rent at Pentecoſt yearly. And on defect of ſuch maintaining and repairing the ſaid chapel, hoſpital, and beds; the land to revert to the ſaid Thomas and his heirs.

In purſuance whereof, he the ſaid John Brunſkill founded an oratory or chapel, dedicated to our lady St. Mary the mother of Chriſt, and to St. Gabriel the archangel; who, as Roger biſhop of Carliſle and Richard abbot of Shap did by writing under their hands and ſeals affirm, wrought many fair and divers miracles by the ſufferance of our lord God. Two prieſts were eſtabliſhed to ſing and to pray in the ſaid chapel for evermore, for the ſouls of all the benefactors of the ſaid chapel that were departed from the world, and for the welfare of them that were living. One of the ſaid prieſts was to teach grammar, the other to inſtruct children willing to learn ſinging, freely without any ſalary from them. The foundation of this chapel was confirmed both by the biſhop of Carliſle and the archbiſhop of York; and yet was afterwards oppoſed by the vicar of Burgh, who conceived himſelf much prejudiced thereby, and particularly in reſpect of the oblations which were given from him to the ſaid chapel. Whereupon he ſet up the croſs, and lighted up candles in the church at mid-time of the day, cauſed the bells to be rung, and curſed with bell book and candle all thoſe that ſhould receive any oblations of them that reſorted to the ſaid chapel, or ſhould give any encouragement unto the ſame. Brunſkill the founder complained to the archbiſhop's court at York againſt the vicar Mr. Raſebeck, and obtained a ſharp citation againſt him, cenſuring him as an abandoned wretch and inflated with diabolical venom for oppoſing ſo good a work. Notwithſtanding which, Mr. Raſebeck appealed to the pope; and an agreement was made between the founder and him, by a compoſition of 20 *s* yearly to be paid to Mr. Raſebeck and his ſucceſſors vicars of Burgh.

Thus the chapel continued till the diſſolution of the religious houſes. And the prieſt that taught to ſing being removed, the other that taught grammar was thought fit to be continued as maſter of a free ſchool. And by the commiſſioners Sir Walter Mildmay and Robert Keylway eſquire, order was taken, and a fund ſettled for this purpoſe. So that a ſalary of 7 *l* 11 *s* 4 *d* was to be paid yearly to the maſter of the ſchool by the king's auditors, they receiving all the rents and revenues which formerly belonged unto it as a chapel, and which were given to it by the founder and other benefactors.

This is all the endowment which it hath at preſent, except a convenient dwelling houſe and garden, which were given by one of the ſchoolmaſters Mr. John Beck. But it was formerly very bountifully endowed by ſeveral benefactors; as Henry earl of Cumberland, Edward Muſgrave of Hartley eſquire, William Muſgrave ſon of Richard Muſgrave of Brough, Thomas Blenkinſop eſquire, Hugh Newton, and divers others, who gave lands in Brough, Stanemore, Moreton, Yanewith, Mekil-Strickland, Bampton Cundale, and Mekil-Aſhby, all in Weſtmorland; and in Penrith in Cumberland; and Weſt Laton in Yorkſhire; and Bernard-caſtle in the county of Durham.

The governor thereof, whilſt a chapel, was the abbot of Shap for the time being. Since the diſſolution, that power ſeems to be in the king.

In the years 1527 and 1532, there are two acquittances from Thomas Rige vicar of Burgh, for the half yearly payment of 10*s* compoſition money paid to him by the abbot of Shap commendatary of the chapel of St. Mary in the pariſh of Burgh. By which it ſeemeth, that the abbot himſelf then held the chapel in commendam.

At the diſſolution, the valuation thereof, as appears from the Valor in the firſt fruits office, was as follows: "The grammar ſchool of Burgh is worth, "in a manſion houſe with divers tenements and burgages in the town of Burgh "119*s* 10*d*; one tenement in the town of Laton upon the moor 20*s* 20*d*; "one tenement in the town of Bernard-caſtle 18*s*: In the whole 7*l* 19*s* 6*d*.— "Repriſes: A free rent yearly paid to the earl of Cumberland, five pence "and half a farthing.

"The ſinging ſchool of Burgh is worth in rents and farms of divers bur- "gages in the town of Burgh 10*s*; one tenement in the town of Mauldes "Meburne 11*s*: In the whole, 21*s*. In oblations within the chapel of St. "Mary Burgh 79*s*. Total 100*s*."

By which it may ſeem, that there had been ſome embezilments or alienations, perhaps by the worthy governors the abbots, of which they ſeem to have been capable enough, as we have found one of them ſolemnly certifying miracles to have been performed in the ſaid chapel, another in all probability holding the chapel himſelf. Or perhaps they might draw to the abbey ſuch of the revenues as were moſt convenient, as at Yanwath, Strickland, Bampton, and Aſby.

Oppoſite to the croſs, in the ſaid further Brough, on the right hand as one goes towards Stanemore, behind a houſe, was a well covered over with a milſtone, at the eye of which they took up the water, which was called St. Mary's (or St. Winifred's *) well. Perhaps it got the name of St. Mary's after founding of the chapel. Many came hither on pilgrimage in the times of popery, and the vicar of Burgh had a diploma from the pope (the aforeſaid Chriſtopher Harriſon the vicar ſaid he had ſeen it) to receive the oblations of all pilgrims there. Which oblations, by reaſon of the vicinity of the chapel, and the diſtance from the mother church, would be likely to fall into the hands of the chaplain. And this might be one principal reaſon of the vicar's oppoſing the eſtabliſhment of a chapel there.

There is now no chapel in the pariſh of Brough, except only the chapel of *Stanemore*. In the year 1594, Cuthbert Buckle aforeſaid by his laſt will and teſtament gave an annuity of 8*l* charged upon his eſtate at Spittle, towards the maintenance of a *ſchoolmaſter* at Stanemore, to be employed in teaching children to read, write, cypher, and caſt account. The heir at law conteſted the deviſe, but in 1600 a decree was obtained in favour of the ſchool, and the heir was required to convey the ſaid annuity to truſtees for the uſe of the ſchool. The inhabitants erected a ſchoolhouſe at their own expence, and pur-

* Moſt of the particulars relating to this chapel, Mr. Machel had from the reverend Mr. Harriſon the then vicar.

chaſed

chaſed three roods of land for liberty for the ſcholars. After the building of the ſchoolhouſe, the ſame (in conſideration of the great diſtance from the pariſh church) was conſecrated by biſhop Robinſon in the year 1608, and became a chapel, in which the ſchoolmaſter was to officiate as curate on Sundays and holidays, as well as to teach the children on the other days. Afterwards, in the year 1699, Thomas earl of Thanet repaired the chapel, and built a ſchoolhouſe near adjoining. He incloſed alſo a large parcel of waſte ground, called Slape Stones, then of the yearly value of 10*l* or thereabouts, and granted the ſame to 14 perſons in truſt that the rents and profits of the ſaid cloſe be paid to the ſchoolmaſter and curate as an augmentation of his former ſalary of 8*l*. The ſaid ſchoolmaſter and curate to be appointed by the ſaid earl, his heirs and aſſigns, lords and owners of the manor of Brough. When ſix truſtees die, the ſurvivors are to chuſe others. There is to be no ſervice at the chapel in the afternoon on Eaſter-day, but the inhabitants are to repair to the mother church, and there hear divine ſervice, and receive the ſacrament. And in the forenoon of every firſt Sunday in May, June, July, and Auguſt, there ſhall be no ſervice in the chapel, but the inhabitants ſhall repair to the mother church.

The ſaid earl gave 200*l*, with which, together with the augmentation by queen Anne's bounty of other 200*l*, an eſtate was purchaſed at Raiſgill hall in the pariſh of Orton, for the uſe of the curate.

And the counteſs dowager Gower, one of the daughters of the ſaid earl, gave 200*l*, with which and with 200*l* of queen Anne's bounty, an eſtate was purchaſed nigh the chapel, and infranchiſed by the preſent earl in 1762.

The truſtees of the Slape Stones paſture took it in their heads to keep the ſame in their own poſſeſſion, deſcending (as it were) from father to ſon, and paid to the curate 10*l* or 12*l* a year, and afterwards advanced to the preſent curate 15*l* a year; and on a bill filed againſt them in the chancery in the year 1764 in the name of the attorney general at the relation of the preſent earl of Thanet the patron and James Fenton curate, they ſwore in their anſwer they believed it was not worth more. In the end, in the year 1770, it was decreed, that they ſhould deliver up poſſeſſion to the curate, who immediately advanced the paſture to 35*l* a year, although under the diſcouragement of having gates broken down, cattle killed or maimed, and other enormities committed in the night-time; and it is now let at 38*l* a year. And a new ſet of truſtees was appointed by the court.

John Bracken, curate of the chapel, by his will in 1754, gave 20*l*, the intereſt whereof to be applied for repairing and finding books for the chapel; 5*l*, the intereſt whereof is to be given yearly to poor houſholders within the chapelry; and 5*l*, whereof the intereſt is to be applied to purchaſe books for poor children at the ſchool.

There is alſo a poor ſtock belonging to the pariſh of Brough, of about 67*l*. Of which, 50*l* was given by Mr. Richard Bovel of London; the reſt was contributed by others in ſmall ſums.

II. OF THE MANORS OF BROUGH, STANEMORE, AND SOWERBY.

Theſe three manors having continued all along in the hands of the Veteriponts, Cliffords, and their deſcendents, and never been granted off to any inferior lords; what we have to ſay concerning one, will generally be applicable to them all.

All *Stanemore* is not in the pariſh of Brough. South Stanemore is in the pariſh of Kirkby Stephen; and the moſt eaſtern part of it is in the pariſh of Bowes in Yorkſhire, the boundary of the two counties being alſo the boundary of the pariſhes.

Brough is commonly expreſſed by the deſcription of *Brough under Stanemore*, to diſtinguiſh it from other places of the ſame name, of which there are many. It is commonly divided into two parts, which anciently were denominated Over Brough and Under Brough, Great Brough and Little Brough, but now moſt commonly Church Brough and Market Brough.

This place was the *Verteræ* of the Romans, where in the decline of the empire a Roman captain reſided, with a band of the *Directores*. But now the name is turned into *Brough*, or more properly *Burgh*. For (to note it once for all) in the time of the later emperors, little caſtles, meet for warlike occaſions, and furniſhed with ſtore of corn and other proviſions, began to be termed *Burgi*, by a new name, which, after the empire was tranſlated into the eaſt, the Germans and others ſeem to have borrowed of the Greek word Πυργος. Hence alſo came the name of *Burgundians*, becauſe they inhabited *Burghs*, for ſo in that age they uſed to call thoſe dwelling places which were planted here and there along limits and marches.

That this *Burgh* was *Verteræ*, there ſeemeth to be no doubt; becauſe the diſtance thereof from *Lavatræ* (which is *Bowes*) of the one ſide, and from *Brovacum* (which is *Brougham*) of the other ſide, being reduced into Italian miles, doth exactly agree with Antoninus's meaſures; and for that the Roman way leadeth through this place from Bowes to Brougham.

From Brough to Bowes eaſtward, the road leadeth over the ridge of fells already mentioned. And, to ſee the difference of times, it is curious to obſerve how Sir Daniel Fleming deſcribed the ſame not 100 years ago (no doubt, from his own experience): "Here," ſays he, "beginneth to riſe that high, "hilly, and ſolitary country, expoſed to wind and rain, which becauſe it is "*ſtony* is called in our native language *Stane-moor*; over which is a great (but "no good) road, the poſt paſſing twice every week betwixt Burgh and Bowes, "and coaches going often that way, though with ſome difficulty and hazard "of overturning and breaking. All here round about is nothing but a wild "deſert, unleſs it be an homely hoſtelry or inn, in the very midſt thereof, "called the *Spittle* on Stanemore, for to entertain wayfaring people." The badneſs of the road (which perhaps was indeed the worſt hard road in England) contributed to render all the reſt more diſmal; and in ſtormy weather it

was the more vexatious, as the traveller could make no ſpeed. But now, from ſome of the worſt, it is by reaſon of the turnpike road carried that way become nearly as good as the beſt road in the kingdom. And (to note the improvement of commerce and correſpondence) inſtead of twice a week, the poſt goes ſix times a week to and from Brough.

The *Spittle* aforeſaid was a charitable inſtitution, and belonged to Marryke abbey in Yorkſhire; and after the diſſolution, the tenants thereof applied it to the purpoſe of an inn. But ſince the turnpike road was made, it is become uſeleſs in that reſpect, as there is no need for the traveller to halt between Brough and Bowes; for whereas before it took up ſix hours in travelling thirteen miles, the ſame can now be performed with more eaſe in an hour and an half.

Spittle houſe is in Yorkſhire.

On the top of Stanemore, on the Weſtmoreland ſide, is the fragment of a croſs, which we call *Rerecroſs (Rear croſs*, a croſs reared or ſet up), and which the Scots call *Roycroſs*, as much as to ſay, the King's croſs; which Hector Boetius the Scotiſh writer recordeth to have been erected as a mear ſtone or boundary between England and Scotland, what time as king William the conqueror granted Cumberland unto the Scots, on this condition, that they ſhould hold it of him as his tenants, and not attempt any thing prejudicial or hurtful to the crown of England.

A little lower, upon the Roman way, ſtood a ſmall ſquare fort of the Romans, which at this day is called *Maiden-caſtle*. From whence, it is reported, the ſaid highway went, with many windings, along what was called the *Maiden way*, as far as to Caervorran in Northumberland.

In the reign of king Henry the third, we find one Adam de Slegill *foreſter* of Stainmore, under the Veteriponts.

After the death of John de Veteripont, during the long minority of his ſon Robert, we find an account of great waſte committed or ſuffered by the prior of Carliſle, to whom the king had granted the cuſtody of the ſaid Robert, after Adam de Slegill had left the foreſtry of Stanemore. And, amongſt the reſt,——Item, the tower of Burgh is decayed, and the joiſts are rotten, and moſt part of the houſe is brought to nought, by default of the prior keeping the ſame.

In the 8 Ed. 2. after the death of Robert de Clifford, it was found by inquiſition, that the ſaid Robert, on the day on which he died, held the caſtle of Appleby and barony belonging to the ſame caſtle; and (amongſt other particulars) the caſtle of *Burgh under Stayneſmore*, part of the ſaid barony, with the precinct of the trenches thereof, the herbage of which was worth yearly 6*s* 8*d*. Two hundred acres of demeſne land, 22 whereof at the leaſt were worth yearly 9*d* each. An hundred and ten acres of meadow, each of which worth by the year 12 *d*. Two parks, the herbage whereof, with all iſſues, was worth by the year 100*s*. Alſo free tenants, who paid yearly 17*s* 2 *d*. Alſo twenty oxgangs of land, worth each by the year 4*s*. Ten tofts coterell, worth yearly 6*d* each. One bakehouſe, with the profits of meaſuring the corn of the village, 20*s*. One water miln burned, worth yearly 6*l* 13*s* 4*d*.

Alſo

Alſo the conſtableſhip [of the caſtle] worth yearly 40*s*. Alſo the profits of the fairs, worth by the year 10*s*. [And this was before any grant of a fair that wen ow know of.]—Alſo, in the Lower Burgh, 24 tofts and an half, which are burned, each whereof pays yearly 12*d*. Alſo, upon *Stainemore*, ten vaccaries which are burned; each whereof, with the meadow adjoining, worth by the year 10*s*. And five vaccaries not burned; each whereof, with the meadow adjoining, worth by the year 20*l*. Alſo, Alan de Cabergh, Nicholas de Muſgrave, and Geoffrey de Teſedale held there four cloſes of new improvement, of the yearly rent of one hundred and fifteen ſhillings and one farthing. Agiſtment there, worth yearly 10*s*. Pleas and perquiſites of the court 13*s* 4*d*.—The ſum total, 49*l* 18*s* 4¼*d*.———Alſo at *Sowreby* nigh Burgh; One capital meſſuage, worth by the year 12*d*. Fourſcore acres of demeſne land, worth yearly 8*d* each. Sixteen acres of meadow, worth yearly 18*d* each. Two free tenants, who pay yearly 7*d*. Sixteen oxgangs of land, worth yearly 5*s* each. Ten meſſuages coterell, worth by the year 12*d* each. One water miln, worth yearly 40*s*. One vaccary, worth yearly 26*s* 8*d*.—The, ſum total, 11*l* 15*s* 7*d*.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds that at *Burgh* he died poſſeſſed of eleven meſſuages called vaccaries, to wit, the vaccaries of Knolhow, Skrythergill, Calfhowelade, Aldpark, Swynſty-wath, Mouthowlake, Thornethowegayll, Burghway, Severyg, Strykeſcales, Hegerſcale, and one park called the Old Park; worth in the whole by the year 10*l* 10*s* 10*d*. And that Elizabeth his mother held the caſtle and manor of which the ſaid vaccaries and park are parcel; and alſo the vaccaries of Newhall, Ramſon, Burwanthwayt, and Mekilthwayt; together with 9*s* rent, iſſuing out of a meſſuage called the vaccary of Oxenthwayt; and alſo the vill of *Soureby*, parcel of the ſaid caſtle and manor; and the ſervices of divers tenants of *Great Burgh* and *Little Burgh*, who paid to her yearly 10*s*.

The *caſtle*, in the year 1521, was by caſualty ſet on fire, two years before the death of Henry lord Clifford, ſurnamed the Shepherd, a little while after he had kept a great chriſtmaſs there, ſo as nothing was left but the bare walls. And ſo it lay, till rebuilt by the lady Anne Clifford, counteſs dowager of Dorſet, Pembroke, and Montgomery, in the year 1661.

The roof of the old tower had been contrived, not raiſed in the middle, to throw the water out at the ſides, but higheſt at the extremities, with a gutter in the middle, to receive the rain water.

And the lower windows or lights in the tower are framed with a turn in the wall, ſo as to let in the light, but to prevent an arrow ſhot from without from flying in a direct line; ſo that a perſon on the inſide might ſtand facing the window, without incurring any danger.

This tower, except the bare walls, was demoliſhed, and the timber ſold, by Thomas earl of Thanet, about the year 1695, when he was repairing Appleby caſtle; and the whole caſtle of Brough now lies totally in ruins. But the tower, having been built upon an eminence, and the walls ſtrong and well cemented, and therefore yet ſtanding for the moſt part, the whole preſents

to the eye a kind of venerable magnificence, the very ruins adding to the ſolemnity of the proſpect.

Robert lord Clifford, in the 4 Ed. 3. obtained of that king a charter for a *market*, upon Thurſday every week at his manor of Burgh under Stanemore; and a *fair* yearly, to continue for four days, *viz.* two days before the feaſt of St. Matthew, on that feaſt day, and the day next following. Which charter king Edward the ſixth, in the third year of his reign, by Inſpeximus confirmed. The market is very inconſiderable; but the fair, held on the place called *Brough hill* (though not for four days, but for two of thoſe days annually) is very remarkable for the ſale of large numbers and quantities of cattle, horſes, cloth, hardware, ſhoes, ſaddles, and many other ſorts of merchandiſe.

III. MANOR OF HELBECK.

Helbeck, by a kind of delicacy of the modern proprietors, is ſtyled *Hilbeck*, as if ſo denominated from the *hills* adjacent. But it was of ancient time invariably written *Hellebeck*; not from any infernal idea (for it is a pleaſant ſituation enough), but from the water pouring down, expreſſed by the Saxon word *helle*, which is a word not yet out of uſe to ſignify the pouring out of any liquid: as *heling* ſignifies inclination or leaning aſide, as when ſailors ſay the ſhip *heeleth*.

Helbeck belonged for a conſiderable time to a family of that name; which ended in a daughter. And this brought in the family of *Blenkinſop*, which continued there for many generations, and probably is not yet extinct, for there are ſtill ſeveral of the name thereabouts; but the family ſold the eſtate a good many years ago, which after various ſhiftings of owners, now reſts in John Medcalf eſquire, grandſon of Thomas Carleton late of Appleby eſquire deceaſed.

The *Blenkinſops* were a conſiderable family, and had a large collection of writings, not only relating to themſelves, but of ſeveral other kinds, as divers originals belonging to Shap abbey and other places, which as it is not known how they came by the ſame, neither is it known what became thereof, and in all probability they are all now totally loſt, except what hath been preſerved thereof by copies taken and extracts made by the reverend Thomas Machel, who had free acceſs to the ſame, and whoſe collection therefore in that reſpect is extremely valuable.

Family of Helbeck.

1. So early as the reign of king Henry the ſecond, to a grant by Maud de Veteripont to her ſon the firſt Robert de Veteripont, of lands at Renegill, two of the witneſſes were *Thomas de Hellebeck* and *Wido* (Guy) his ſon.

And to a deed about the ſame time of lands at Clifton by Gilbert de Engain, amongſt other witneſſes is Sir *Thomas de Hellebeck*.

2. To the aforeſaid Robert de Veteripont's charter to the abbot and convent of Shap, in the 13th year of king John, *Wido de Hellebeck* was one of the witneſſes.

And to the grant of the advowſon of Kirkby Thore, by Adam de Kirkby Thore to the ſaid Robert de Veteripont, one witneſs (amongſt the reſt) was Guido de Hellebeck.

3. The next that we meet with was *Robert de Hellebeck*, probably ſon of Guy.

To the grant of Langeton to the aforeſaid Robert de Veteripont by Ada daughter of Talebois, one of the witneſſes was *Robert de Hellebeck*.

Which ſaid Robert de Hellebeck was collector of the aid, in the reign of king Henry the third.

4. The next was Sir *Thomas de Hellebeck*; who was a witneſs to a grant of lands at Appleby in the 36 Hen. 3. by the ſecond Robert de Veteripont to Richard Clerke.

This Sir Thomas held lands in Richmondſhire and Weſtmorland by knights ſervice, namely, for the fourth part of one knight's fee; alſo by an exchange made, he obtained Aſcom and ſome lands at Suarraby, which he held by the like ſervice.

And with him beginneth the Blenkinſop account of this family, except for one *Hamon* ſaid to be father of this Thomas; which moſt probably is a miſtake: not only becauſe the circumſtance of time ſeems to point out this Thomas to be ſon of Robert abovementioned, but alſo becauſe *Hamon* is a name that hath not occurred in any of the evidences of thoſe times. But from hence downwards, the Blenkinſop pedigree is very circumſtantial, and ſeems to have been taken from their family writings.

5. Sir *Thomas de Hellebeck*, ſon of the laſt Sir Thomas, lived in the time of king Edward the firſt. He married Avicia daughter of Adam de Henecaſtre, and with her had lands in Little Stirkeland, Overton, Sunbiggin, Raiſbeck, Cotflat, and Keldlyth. To all which, Richard de Muſgrave quitted claim in the 29th year of that king.

He had iſſue, (1) Thomas, (2) Edmund; who married Iſabel de Slikeburne, a widow, in the year 1326. He had ſome lands and privileges granted to him by his father in the lordſhip of Helbeck. And he had a ſon called Edmund. (3) Alice, married to Robert, eldeſt ſon of Sir Richard, ſon of Henry de Suleby, having for her portion 110 marks. Upon which marriage, Sir Richard de Suleby ſettled all his demeſne lands, rents, homage, and ſervices thereunto belonging, which he had in Appleby. (4) Alane, who was a clergyman, and had given by his father to him and his heirs, one meſſuage and two oxgangs of land in Helbeck. (5) Iſabel, married to Patricius de Caſtlecaroke, who had for her portion lands at Sunbigin, Raſebeck, Keldelith, and Coatflat, with half of the fulling mill there. (6) Margaret, married to William de Lancaſtre, who had for her dower lands in Stirkeland in Kendale.

6. *Thomas*

6. *Thomas de Hellebeck* eldeſt ſon of the laſt Sir Thomas, by inquiſition in the 3 Ed. 2. appears to have then held by knights ſervice Hellebeck and Aſcum. In the 8 Ed. 2. he was knight of the ſhire.

And this Thomas was the laſt of the name in the direct male line; having only a daughter *Iſabella*, who ſoon after this was married to *Richard de Blenkinſop*. For in the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Thomas de Hellebeck* held a moiety of Soulby; and that *Richard de Blenkinſop* held part of Hellebeck, and *Iſabel de Slekeburne* held divers tenements there.

By which it appears, that Hellebeck was then gone from Thomas de Hellebeck to Blenkinſop, in marriage with his daughter Iſabella. The *Iſabel de Slekeburne* who had ſome tenements there, was wife to Edmund aforeſaid, younger brother of this Thomas. And the reaſon why this ſaid Thomas appears to have had a moiety of Soulby, was upon account of his ſiſter Alice as aforeſaid having been married to Robert de Soulby, ſo that Thomas held the ſame probably as truſtee upon the marriage ſettlement.

The arms of Hellebeck were; Gules, 6 annulets Or, with a bordure ingrailed Argent.

Family of BLENKINSOP.

I. The firſt of the family of Blenkinſop that came to Helbeck, by marriage of the heireſs of that houſe, was RICHARD DE BLENKINSOP, younger brother of *Robert de Blenkinſop*, unto whom Edward king of Scots gave all the lands and tenements of Ughtertyre with the appurtenances, to the value of 20 marks yearly, which had come into the hands of the ſaid king by the forfeiture of Sir John Sainclere, in the 7th year of his reign.

Thomas de Hellebeck, on the marriage of his daughter to the ſaid Richard, ſettled upon them and the heirs of their bodies the whole manor of Helbeck; except the lands and tenements held by Iſabel de Slicburn and Edmund her ſon, and one meſſuage in the poſſeſſion of William ſon of Hugh, of the yearly rent of 10*s*, which Alan de Hellebeck paid for the lands which he had in the ſaid village. He was coroner of Weſtmoreland in the 19 Ed. 2. He died towards the beginning of the reign of king Edward the third; for in the 5th year of that king, we find the ſaid Iſabella ſtyled widow. They had iſſue,

II. THOMAS DE BLENCANSOP, who appears to have been very young at his father's death, for he came not of age till the 19 Ed. 3. *his* letter of attorney to take poſſeſſion of his eſtate at Helbeck being dated in that year; upon the ſeal whereof were 6 annulets within a bordure ingrailed, and writ about thus, *S. Thome de Blencanſop*. He had iſſue a ſon,

III. THOMAS DE BLENCANSOP eſquire (the firſt that appears with that addition). This Thomas, upon his marriage, had all the lands at Helbeck,

Overton, Soulby, and Brampton, ſettled upon him and Katherine his wife. He had the office of conſtable of Brough caſtle granted to him and his heirs, for 600 years, with all its appurtenances, eaſments, and commodities, by Roger de Clifford lord of Weſtmorland. The grant was dated at the caſtle of Burgh on Sunday before the feaſt of St. James the apoſtle, in the 4 Ric. 2.— In the 11th year of the ſame king, he repreſented the county of Weſtmorland in parliament.

IV. WILLIAM DE BLENKANSOP eſquire, ſon of the laſt Thomas. He married Maud, daughter of Richard de Salkeld, and had then ſettled upon them by the ſaid Thomas a moiety of his whole demeſne in the village of Overton, with one place in the ſame village called Raiſgill hall, with 16 tenements held by tenants at will, reſerving the mill and moulter; his ſon Robert de Blenkanſop, and Richard Talbot of Burgh, being attornies to deliver poſſeſſion. This ſettlement was dated in the 19 Ric. 2.

In the 9 Hen. 5. he was knight of the ſhire for Weſtmorland.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds, that William de Blenkenſop then held the manor of Helbeck, paying 6 *s* cornage. And he appears to have been living above 20 years after this.

V. THOMAS BLENKENSOP eſquire, ſon and heir of William. He was the firſt who took the name without *de* annexed. And about this time, to wit, in the reign of king Henry the ſixth, it ſeems to have become general, to leave out that particle of deſignation of the place, except where by reaſon of a vowel following it was incorporated and become part of the word, as Danvers, Doiley, and the like.

In the 1 Hen. 6. he repreſented the county of Weſtmorland in parliament, his father being then living; for he is ſtyled Thomas ſon of William Blenkenſopp.

In the 25 Hen. 6. his father conveyed to him the ſite and manor of Helbeck for the term of his life, paying for the ſame yearly 10 marks.

VI. THOMAS BLENKINSOP eſquire, ſon and heir of Thomas. He had ſettled upon him on his marriage with his wife Katharine, all the lands aforeſaid at Overton, and certain lands in the village of Tebay, in the 33 Hen. 6. William Birkbeck vicar of Overton, and Richard Warton chaplain, being truſtees in the conveyance.

He appears alſo to have had lands and tenements in Kyrkeby upon Wyſke in Yorkſhire, of 40*l.* rent.

VII. THOMAS BLENKINSOP eſquire, ſon and heir of Thomas and Katharine. About the 9th year of king Edward the fourth, he married Margaret daughter and coheir of Richard Salkeld of Corby eſquire.

This Thomas articled with John Brunſkill in the 7 Hen. 7. for the building of St. Mary's chapel at Burgh.

By an inquiſition of Quo Warranto in the 19 Hen. 7. againſt Henry lord Clifford, the jurors find, that Thomas Blenkinſop was ſeiſed of the manor of Helbeck

Helbeck with the appurtenances in his demeſne as of fee, and being ſo ſeiſed held the ſaid manor of Henry lord Clifford by knights ſervice, namely, by homage, fealty, and ſcutage, that is to ſay, when ſcutage runs at 40*s* for each knight's fee, then to pay 40*s*; when more, more; and when leſs, leſs; and by the cornage of 6*s*; and by the ſervice to do ſuit at the court of our lord the king in the county of Weſtmorland, from month to month, at the king's caſtle of Appleby: And that the ſaid manor is worth 40*l* above repriſes: That the ſaid Thomas died in the 18th year of king Hen. 7. Thomas his ſon and heir being then 17 years of age: That the ſaid Henry lord Clifford had received all the iſſues and profits of the ſaid manor during the minority of the ſaid Thomas the ſon, and married the ſaid heir to Elianor daughter of Robert Leygh eſquire, and received the profits of the ſaid marriage.

VIII. THOMAS BLENKINSOP eſquire, ſon and heir of Thomas, by his wife Margaret Salkeld. In the 16 Hen. 8. he was employed in the king's wars againſt the duke of Albany, and ſet forward the 19th of October in the ſaid year; having made his will, and appointed Sir Thomas Rigg vicar of Brough together with his wife (if he ſhould die before his return) executors in truſt for his younger children. But he returned, and lived to make another will.

In recompence of his good and laudable ſervice to Henry earl of Cumberland, warden of the weſt marches towards Scotland, he was gratified, by the donation of the ſaid Henry, with the cuſtody, wardſhip, and marriage of William Skarburgh ſon and heir of Richard Skarburgh gentleman of Gloſeburn in Yorkſhire, in the 17 Hen. 8.

He paid 10*l* a year to Sir William Baſtoign in the county of Bedford knight, out of Little Corby and Warwick Briggs, in the right of dame Elianor his wife.

He took care about the repair of the church of Brough, and building the the ſteeple there.

He was under-ſheriff of Weſtmorland in the 21 Hen. 8.

IX. THOMAS BLENKINSOP eſquire, ſon and heir of Thomas, by his wife Elianor Leigh. By articles of marriage in the 24 Hen. 8. it appears that this Thomas was married to Magdalene youngeſt daughter of Sir Edward Muſgrave of Hartley, having ſettled upon them 20 marks yearly, in conſideration of 100*l* portion; and in caſe of his father's ſecond marriage, the young couple were to live either at Corby or Helbeck, as they ſhould think fit.

He gave 26*s* 8*d* towards the building of the bridge at Brough; whence it is, that his arms are placed thereupon, together with the Clifford's, who moſt probably were alſo contributors thereunto.

By his will, in the 37 Hen. 8. upon his going to ſerve the king againſt the Scots, he left his brother Richard Blenkinſop, and his two uncles George and John a prieſt, together with his couſin Sir Richard Leigh prieſt, in truſt, to receive

receive the rents of his eſtate at Raiſbeck in the lordſhip and pariſh of Overton (in caſe he ſhould die in that expedition) to be employed for the uſe of his ſmall children, daughters, ſo many of them as ſhould come of age.

He left iſſue three ſons, 1. Thomas. 2. Charles, to whom he gave an annuity of 10*l.* 3. Matthew, ſteward to the lord Wharton. And ſeveral daughters; one of whom was married to William Farrand of Carleton hall near Skipton eſquire; another daughter, Margaret, married to Hugh Machel of Crackenthorp eſquire; another to Thomas Bellingham of Gaythorn eſquire; another to John Aglionby of Carliſle eſquire; and another to Lancelot Pickering of Croſby Ravenſworth eſquire: Each of whom had 100*l* to her portion.

X. THOMAS BLENKINSOP eſquire, ſon and heir of Thomas, by his wife Magdalene Muſgrave. In the 2 and 3 Ph. and M. he married Margery, one of the daughters of William Wykeliffe of Wykeliffe in the county of York eſquire. His father Thomas ſettled upon them, on the marriage, his whole part and ſhare of the caſtle or manor of Corby, with all lands, tenements, and hereditaments whatſoever in Corby, Warwykebrigs, Caldecotes and Caldecote banks, Eglanby, and Murthwaite, except half the fiſhing of Corby upon the river Eden, and three parts in four of the water mill at Corby; and alſo all and every his burgages, meſſuages, lands and tenements in the city of Carliſle.

In the 9 Eliz. he purchaſed of John Appleby of Torpenhow in Cumberland gentleman, divers meſſuages, lands, and tenements at Ellergill in Tebay. The deed of bargain and ſale (in purſuance of the ſtatute of the 27 Hen. 8.) was inrolled at the quarter ſeſſions at Appleby, before Henry Crackenthorp, Richard Dudley, and William Gylpinge eſquires, juſtices, and John Myddleton clerk of the peace.

He died in the 13 Eliz. leaving iſſue, 1. Thomas. 2. Henry. 3. Francis. 4. Barbara, married to Robert Ward of Bowes eſquire. 5. Katherine, married to John Warcop of Warcop eſquire. And three other daughters, who died unmarried.

XI. THOMAS BLENKINSOP eſquire, ſon and heir of Thomas, by his wife Margery Wykeliffe. This Thomas is the ſeventh of the name, in a direct regular ſucceſſion. He was of the age of 34 years at the death of his father, as appears by inquiſition, and had livery of his lands on the 20th of May, in the 14th year of queen Elizabeth.

XII. HENRY BLENKINSOP eſquire, ſon and heir of the ſeventh Thomas laſt mentioned. He was under age at his father's death, and in ward to Sir Simon Muſgrave of Edenhall. There was paid to the crown for the fine of his marriage 40*l*; for which the ſaid Sir Simon and others were bound, in the 21 Eliz.

He married Elizabeth daughter of Thomas Tankard of Burrowbrigg in Yorkſhire, having with her 500*l* portion. Upon which marriage, all the paternal eſtate of the Blenkinſops was ſettled on them and their heirs male.

He ſold his part of Corby, with other lands in Cumberland, to the lord William Howard and others, for 770*l*, in the third year of king James.

He died in the 11th year of the ſaid king; having had iſſue, 1. Katherine, who died unmarried. 2. Dorothie, a nun at Liſbon. 3. Jane, married to Thomas Bird of Colby. 4. Thomas, his ſon and heir. 5. Frances, who died unmarried. 6. Elizabeth, who died alſo unmarried. 7. Mary, married to Robert Cawell of Bolton in Lancaſhire gentleman.

XIII. THOMAS BLENKINSOP eſquire, ſon and heir of Henry. He was under age when his father died, and by that means became ward to the counteſs of Cumberland; for whoſe compoſition was paid 200 marks.

In the 16th year of king James, he married Anne daughter of Sir Edward Oſbaldeſton of Oſbaldeſton in the county of Lancaſter knight. She had 600*l* for her portion.

This Thomas ſold the eſtates at Overton and Slegill to the tenants and others. He alſo ſold part of the manor of Helbeck, in the 13 Cha 1. to Richard Burton clerk; and in 1657, the ſaid Thomas Blenkinſop, Anne his wife, and Francis their ſon and heir apparent, conveyed the reſidue of the manor to Thomas Burton of Brampton eſquire, ſon of the ſaid Richard (which Thomas Burton was one of Oliver Cromwell's ſequeſtrators). The Blenkinſops were papiſts, and ſuffered much when in thoſe days the penal laws were put in rigorous execution.

The ſaid Thomas Blenkinſop was living when this account of the family was taken by Mr. Machel, about the year 1675. Mr. Machel deſcribes him as a venerable, well looking old gentleman. He had iſſue, 1. Francis. 2. Henry, who died an infant. 3. Mary, who died unmarried. 4. Elizabeth, who died alſo unmarried. 5. Thomas. 6. John, who died an infant. 7. Henry, who died alſo an infant. 8. Anne. 9. Dorothy. 10. Katherine.

XIV. FRANCIS BLENKINSOP eſquire, ſon and heir of Thomas, was, when the above account was taken, living with his father at Helbeck hall, and unmarried. And he is the laſt of whom we have any account. He ſold the hall and demeſne to major Scaife (another of Cromwell's ſequeſtrators) who was younger brother of a family of that name at Winton hall.

The arms of Blenkinſop were, Argent, a feſs between three garbes banded Sable; on the feſs a creſcent, for diſtinction of a younger houſe.

They had 22 tenants at Helbeck, who paid a finable rent of 19*l* 12*s* 9*d*. And 25 tenants at Brough, with a finable rent of 11*l* 5*s* 10*d*. And, amongſt them, had 53 boon days ſhearing; 21 boon days mowing, all but one in Helbeck; and 41 loads of boon coals.

In the year 1687, *Richard Burton* clerk, rector of Huntingdon in the county of Kent, conveyed the manor to *George Baker* of Crook in the county of Durham eſquire; and after various fines, recoveries and wills, *George Baker* of Ellemore hall in the county of Durham eſquire (grandſon and heir of the above George Baker) conveyed the ſame to Thomas Carleton of Appleby eſquire, who

who alſo in the year 1726 purchaſed the hall and demeſne. Which *Thomas Carleton* had two daughters, *Elizabeth* and *Dorothy*. The younger daughter *Dorothy* was married to George Stephenſon of Warcop eſquire, and died without iſſue. *Elizabeth*, the elder, was married to *John Metcalf* of Bellerby in Yorkſhire eſquire, and hath iſſue now living (viz. in 1773) two ſons and one daughter, namely, *John*, *Thomas*, and *Elizabeth*.

In the front wall of an houſe nigh the bridge (which houſe is now the Black Bull inn) are two coats of arms, ſome parts whereof are now defaced, but were diſtinguiſhable in Mr. Machel's time; being Helbeck impaling Blenkinſop, and Salkeld impaling Vaux. And above, the letters J H S | M, *(Jeſus hominum ſalvator. Maria.)* It was the court houſe for the tenants which the Blenkinſops had at Brough. Perhaps aforetime it might be the place of the chapel or oratory before mentioned.

PARISH OF MUSGRAVE.

MUSGRAVE, without queſtion, received its name from the family which reſided there for ſeveral ages, afterwards removed to Hartley caſtle, and finally ſettled and now continues at Eden-hall in Cumberland. *Muſgrave* is a name of office. *Grave* means governor, ſteward, or keeper. So the *ſheriff* is *ſhire-grave:* and there is *landgrave* amongſt the Germans; *palſgrave* (palace-grave); *margrave* or mark-grave, *marquis*, *marchiarum comes*, count or warden of the marches. And it is generally ſuppoſed, that *Muſegrave* and *Margrave* are the ſame. But, as there is not much likeneſs between the words, ſo it is certain that this family did not receive their name from being wardens of the marches againſt Scotland; for the name is much ancienter than the introduction of that office into the borders. The learned *Junius* quotes *Heſychius* as explaining the word *Muſe* to ſignify *domeſticum atrium*, the curtilage about the houſe: And in that ſenſe, it is eaſy to conceive the office of *Muſegrave*.

The pariſh of Muſgrave is bounded by the pariſhes of Rumaldkirk and Brough on the Eaſt; by the pariſhes of Kirkby Stephen and Croſby Garret on the South; by the pariſh of Warcop on the Weſt; and by the ſame pariſh of Warcop on the North: And contains in the whole about 38 families; all of the church of England.

The church is dedicated to St. Theobald. So in a deed of lands, in the 20 Hen. 7. Edward Crakenthorp is ſtyled rector of the church of St. *Thecbald* in *Parva Muſgrave*, which was a miſtake of the writer for *Great Muſgrave*; for there never was a church at Little Muſgrave, which is a ſmall manor in the pariſh of Croſby Garret.

The ſaid church was appropriated to the abbey of St. Mary's York; but the pariſh, and conſequently the revenues, being ſmall, the abbot and con-

vent could not maintain a vicar and ſave much to themſelves out of the overplus: and therefore it continues a rectory, valued in the king's books at 16*l* 1*s* 11½*d*. The clear yearly value, as certified to the governors of queen Anne's bounty, 48*l*. The late rector Mr. Pindar gave 200*l*, to which the ſaid governors added other 200*l*, wherewith an eſtate was purchaſed at Orton in this county.

In the year 1248, the abbot and convent of St. Mary's York granted to Silveſter biſhop of Carliſle and his ſucceſſors, the patronage of the church of Muſgrave; ſaving to themſelves the ancient and accuſtomed penſion out of the ſame.

And about 40 years after, there was a diſpute between the abbey and biſhop Halton about the patronage of this church, together with the tithes of Kirkby Stephen and other matters; which ended in an arbitration and compromiſe: by which, the ſaid biſhop and his ſucceſſors ſhould have the patronage and advowſon of this church of Muſgrave.

In the quire of the church is a monument, with the figure of a ſhaven monk graved in braſs, in his robes, holding up his hands in a praying poſture, and this inſcription over his breaſt, *Repoſita ſpes in ſinu meo.* And in four roundells, one at every corner, an angel with this label, *Mercy Jeſu.* And under his feet, *Orate pro anima magiſtri* Thomæ Ouds *quondam rectoris* . . . . . *dominorum epiſcopi et' archdiaconi Carliolenſis officialis, qui obiit* xxii . . . . . This ſeems to have been earlier than any account of the rectors of Muſgrave in the biſhop's regiſters; for *Ouds* is a name that hath not elſewhere occurred to us.

In 1298, *William de Burton*, rector of Muſgrave, had licence from the biſhop to go abroad and ſtudy in foreign univerſities for ſix years. He was afterwards promoted to the vicarage of St. Nicolas in Newcaſtle upon Tyne.

In the year 1303, biſhop Halton collated to this rectory *Robert de Halouton*, probably his kinſman; for ſo the name was variouſly written.

In 1313, *John de Burdon* was collated by the ſame biſhop; ſaving to the abbot and convent of St. Mary's York their ancient yearly penſion of 5*s*.

Four years after this, the ſaid biſhop collated *Thomas de Gouldington*, with the ſame proviſion.

In 1330, *Robert de Denham* was collated by biſhop Roſſe, on an exchange with the ſaid Thomas de Gouldington for the prebend of Hotherden in the king's free chapel of Wolverhampton.

In 1337, Sir *Adam de Levirton* was collated by biſhop Kirkby.

In the next year, we find one *John de Brydkirk* rector of Muſgrave, who had a diſpenſation of abſence by the ſaid biſhop Kirkby for three years.

In 1342, *John de Stoketon*, rector of Muſgrave, was confirmed (by patent) official of Carliſle, having formerly been inveſted with that juriſdiction by delivery of the ſeal of the ſaid officialty.

After the death of John de Stoketon, one Sir *William de Sanford* was collated by biſhop Kirkby, but in what year doth not appear.

Next after him, was *William de Ellerton*; but on whoſe collation or preſentation appeareth not.

Theſe

Theſe two are ſpecified in a return to a writ of Certiorari ſent by the king to the biſhop in the year 1363; to which purpoſe alſo a monition had come from the pope's nuncio; and the ground of both was, on account of the detaining a proviſionary penſion aſſigned out of the ſaid rectory by the pope to Robert Kerret.

In the year 1359, one *John de Soulby* brought a preſentation from the king, who claimed by reaſon of the biſhoprick being lately vacant and in the king's hands. At the ſame time, three writs of *ſcire facias* were ſerved on the biſhop, notifying that judgment had been given in the king's court at Weſtminſter for his majeſty both againſt the biſhop himſelf, and alſo againſt Robert Kerret and William de Ellerton clerks. Hereupon a commiſſion of inquiry *de jure patronatus* was iſſued; and the king's claim proving good, the ſaid *John de Soulby* was inſtituted and inducted. And ſoon after, he had letters dimiſſory to all orders; as well the inferior, to which he had not yet attained, as the ſacred orders. By his will he bequeathed his body to be buried in the churchyard of St. Andrew's Holborn.

In 1361, on the death of the ſaid John de Soulby, Sir *Peter de Morland* was collated by biſhop Welton.

In 1375, one Sir *Richard de Upton* was rector of Muſgrave; who received abſolution by the archdeacon of Carliſle, from a ſentence of ſuſpenſion incurred by his contumacy.

In 1490, in a rental of the revenues of the priory of Wederall, Sir *Edward Crakenthorpe*, rector of the church of Muſgrave, is charged with a penſion of 5*s* a year to the ſaid abbey.

In 1556, *Thomas Anggrome* was preſented to this rectory by king Philip and queen Mary, during the vacancy of the biſhoprick.

In 1577, on the death of *John Birkbeck*, rector of Muſgrave, *Jeoffrey Birkbeck* was preſented by William Birkbeck of Gray's Inn gentleman, adminiſtrator of the goods and chattels of Henry Birkbeck late of Eamont bridge, aſſignee of Roger Schellet, who had a grant of that avoidance from biſhop Oglethorp in the year 1558, confirmed by the dean and chapter.

In 1599, one Mr. *Barker* reſigns the rectory of Muſgrave; and *Bernard Robinſon*, S. T. B. was collated by (his brother) biſhop Robinſon.

On the removal of the ſaid Mr. Robinſon to Torpenhow, in the year 1612; *John Spencer* was collated by the ſaid biſhop Robinſon.

In 1634, on John Spencer's death, *William Dodding*, M. A. was collated by biſhop Potter.

Three years after, on the death of Mr. Dodding, *John Vaux*, M. A. was collated by the ſame biſhop.

In 1671, *John Ardrey* was collated by biſhop Rainbow.

In 1684, on the death of John Ardrey, *Chriſtopher Thornton*, M. A. was collated by the ſame biſhop.

In 1719, on the death of Chriſtopher Thornton, *Simon Pindar* clerk was collated by biſhop *Bradford*.

In 1755, on the death of Simon Pindar, *Robert Hall* clerk was collated by biſhop Oſbaldiſton.

In

In 1756, on the ceſſion of Robert Hall, *Edward Knowſley* clerk was collated by the ſame biſhop.

In 1775, on the death of Edward Knowſley, *William Paley*, M. A. was collated by biſhop Law.

The *church*, as the pariſh, is but ſmall. On the ſouth ſide thereof, is a fair ile, having an arched door into it, and another arch by which it communicates with the church. Perhaps it belonged anciently to the family of Muſgrave, but is now uſed by the pariſhioners in common.

The parſonage houſe ſtands about 50 yards weſt from the church. It is a good ſtrong building, erected by Mr. Pindar; beautifully ſituated on the north bank of the river Eden. But both houſe and church are ſubject to inundation by an high flood. The outhouſes were rebuilt by the late incumbent Mr. Knowſley.

The MANOR of Muſgrave is ſtill in the family which gave name to the place. It is called *Great Muſgrave* (as there is nothing great or little but by compariſon) to diſtinguiſh it from a leſs, which is parted from it by the river Eden, called *Little Muſgrave*, which belongs alſo to the Muſgraves, and lies (as was obſerved before) in the pariſh of Croſby Garret. They ſeem anciently to have been one intire manor, and apportioned into different pariſhes by reaſon of the inconvenience of the river running between.

The ſaid family at this place hath been very ancient and very numerous; by reaſon of which, it is difficult, if not impoſſible, to inveſtigate or diſtinguiſh the regular direct line. Beſides that there were, in this as in all other places, perſons ſurnamed from the place, who were no way related to the principal family there.

I. The firſt of the name that we have met with, was PETER MUSEGRAVE, who lived about the time of king Stephen: for in the next king's reign, *viz.* in the reign of king Hen. 2. we find a diſpute between *Robert* ſon of *Peter Muſegrave* and the monks of Byland, concerning the boundaries of the reſpective manors of Muſgrave and Blaterne; which diſpute was compromiſed and ſettled in the county court at Appleby, William Fitz-Hugh being then ſheriff*.

II. ROBERT

* Hæc compoſitio pacis facta eſt inter Thorphinum filium Roberti et Robertum filium Petri, et monachos de Beghland et Wallenum de Wardcop et Robertum filium Fidis, de calumnia quam Robertus filius Petri habuit de communi paſtura inter Blaternam et Muſegravam. Quod pro pace iſta remanebit Roberto filio Petri in proprium octoginta duæ acræ terræ, ſcilicet, A ſpina ſuper Hobergham in tranſverſum del ſic ſubtus Maurebergha uſque ad ductum verſus Muſegravam. Et a prædicta ſpina totum remanebit monachis in proprium verſus grangiam, et uſque ad ductum juxta capellam per diviſas quas fecerunt et perambulaverunt. Et averiæ Roberti Muſegrave nunquam infra has diviſas intrabunt, nec averiæ monachorum infra proprium Roberti. Robertus etiam habebit unum exitum averiis de Muſegrava ſuper Maurebergham, inter culturam monachorum et vallem ſubtus Hobergha, a diviſis quas fecerint et perambulaverint juxta pratum. Et inde habebit Robertus communem paſturam uſque ad vivarium, et inde uſque ad viam ſuper Creſſekelde quæ vadit verſus Appelbi,

II. ROBERT MUSEGRAVE, ſon of *Peter*; with whom the diſpute was about the boundary of the ſaid manor of Muſgrave as aforeſaid.

Note, The manor adjoining to that of Blaterne is the manor of Little Muſgrave, which being deſcribed by the general name of the manor of Muſgrave, ſeems to confirm the conjecture aforeſaid that the two Muſgraves were heretofore one intire manor.

III. The next that hath occurred to us, was ADAM DE MUSEGRAVE, in the reign of king John; who (amongſt other perſons of principal note) was witneſs to a grant of wood and turbary at Sandford, by William de Sandford to the firſt Robert de Veteripont.

IV. In the next king's reign was THOMAS DE MUSEGRAVE. For in the 36 Hen. 3. to a grant of the laſt Robert de Veteripont of lands to Richard Clerke of Appleby, one of the witneſſes was *Thomas de Muſegrave* then ſheriff of Weſtmorland, that is, under-ſheriff to the ſaid Robert. And this Sir Thomas (as he was afterwards called) was one of the executors of the laſt will and teſtament of the ſaid Robert.

In the 6 Ed. 1. Thomas de Muſgrave and Ranulph de Dacre obtained a charter for a market at their manor of Orton.

V. The next that occurs was RICHARD DE MUSGRAVE. In the 14 Ed. 1. in the partition of the Veteripont inheritance between the two daughters and coheirs of the laſt Robert de Veteripont, the homage and ſervice of *Richard de Muſgrave* were aſſigned to Idonea the younger daughter.

VI. THOMAS DE MUSGRAVE was the next in ſucceſſion. In the 3 Ed. 2. on an inquiſition of tenants in Weſtmorland who held by cornage, it was found that *Thomas de Muſgrave*, who was then under age, and in wardſhip, held Great Muſgrave, Moreton, Souleby, half of Rookby, and part of Sandford. And at the ſame time *Richard de Muſgrave* held Little Muſgrave and Croſby Gerard. This Richard ſeems to have been of a collateral branch of the family; who had a brother Robert that conveyed lands to him in Soulby.

Appelbi, et uſque ad quadrariam, et inde uſque ad caput vivarii per diviſas quas perambulaverunt et fecerunt. Totum hoc erit in communem paſturam averiis de Muſegrava et averiis monachorum. Sed monachi arabunt culturam juxta foſſatum molendini uſque ad vivarium, ſicut perambulaverunt et diviſas fecerunt. Et habebunt culturam ſuam ſuper Maurebergh et pratum in proprium ſicut habuerunt ante iſtam compoſitionem, et nihil amplius ibi arabunt. Et averiæ de Muſegrava in his locis nunquam intrabunt. Et Thorphinus et Robertus coram comprovincialibus affidaverunt, quod ipſi et hæredes eorum tenebunt hanc compoſitionem fideliter et ſine malo ingenio in perpetuum. Sed ſi contigerit quod averiæ de Muſegrava intrent in proprium monachorum, dabunt unum denarium pro 20 averiis ſecundum conſuetudinem provinciæ. Similiter dabunt monachi, ſi averiæ eorum intrent proprium Roberti. Hæc compoſitio facta fuit in curia domini regis apud Appelby coram Willielmo filio Huei ballivo, et Murdaco decano, et Thoma de Hellebec, et Thoma filio Coſpatricii, et Roberto de Kabergh, et Johanne Tailleboys, et Conano de Aſke, et Willielmo de Aſcheby, et Richardo Anglico, et Henrico de Cundale, et Stephano de Tyrnaby, et Rogero Winkenel, et Roberto filio Richardi, et Willielmo de Lathes, et Thoma fratre ejus, et Huberto Clerico, Michaele de Harclay, et Waltero filio ejus, et cæteris probis hominibus qui tunc fuerint ibi præſentes.

In

In the 8 Ed. 2. after the death of Robert lord Clifford, the jurors find exactly the ſame again, that the ſaid *Thomas*, who was then alſo under age, held the ſame as above, by cornage for the whole of 45*s* 10*d*. And that *Richard de Muſgrave* held Croſby Gerard, Little Muſgrave, and a moiety of Overton. And this *Richard* had a ſon *Robert*, who came of age in the 10 Ed. 3. and had livery of his lands in Croſſeby, Overton, Little Muſgrave, Soulby, and Kirkby Stephen.

This *Thomas de Muſgrave* in the 19 Ed. 3. married Iſabella de Berkeley, widow of John lord Clifford; and ſhe continued his wife 17 years, dying in the 36 Ed. 3. and leaving the ſaid *Thomas* her huſband ſurviving.

He was returned to ſerve as knight of the ſhire for Weſtmorland in the 14, 15, 17, and 18 Ed. 3. And after his marriage with Iſabella de Berkeley, *viz.* from the 24 to the 47 Ed. 3. he was ſummoned to parliament amongſt the barons.

In the 20 Ed. 3. he was aſſociated with the biſhop of Carliſle and others in guarding the weſtern marches towards Scotland.

In the ſame year upon the invaſion made by David Brus king of Scotland, the ſaid Sir Thomas having put himſelf in arms with the barons of thoſe parts, was one of the commanders in the van of the army which gave battle to the ſaid king near Durham, where his whole army being utterly routed, that king with divers of his nobles was taken priſoner. He was afterwards one of the commiſſioners for treating with the Scotch commiſſioners cancerning the releaſing their ſaid king.

In the 21 Ed. 3. he was made governor of Berwick upon Tweed, as alſo ſole juſticiar throughout all the lands in Scotland whereof king Ed. 3. was then in poſſeſſion.

In the 24 Ed. 3. he obtained of the king a remiſſion of all the profits of two parts of the caſtle and manor of Skipton, for the time he and his wife had held the ſame during the minority of the infant heir her ſon by her former huſband Robert lord Clifford; and alſo for his good ſervices had a grant of 100 marks *per annum* to be received out of the exchequer.

In the 26 Ed. 3. upon danger of an invaſion by the French, he was joined in commiſſion with Thomas lord Lucie to array all the men at arms in the counties of Cumberland and Weſtmorland for the defence of the adjacent ſea coaſts.

In the 27 Ed. 3. he was aſſociated with Ralph lord Nevil and the ſame Thomas lord Lucie in the wardenſhip of the weſt marches.

In the 32 Ed. 3. the ſaid Sir *Thomas* obtained a charter for free warren in all his demeſne lands at Muſgrave and other places, with power to impark his woods called Hevenings in Muſgrave, containing 200 acres. [Note, *hevening*, *heyning*, means freed, ſpared, or forborn; ſo winter heyning in foreſts was, when the cattle were not to be put in.]

In the 42 Ed. 3. he was conſtituted eſcheator for the counties of York, Northumberland, Cumberland, and Weſtmorland.

In the 46 Ed. 3. he was appointed, with the biſhop of Carliſle and others, to the office of warden of the weſt marches.

In

In the 47 Ed. 3. he was again made governor of Berwick. So likewiſe in the 49 Ed. 3. for one year. And in the 50 Ed. 3. for three years more; about which time he ſeems to have died, for in the parliament which was holden in that year we do not find him again ſummoned amongſt the barons.

In his time Harcla came into this family, which having been forfeited in the reign of king Ed. 2. by the attainder of Andrew de Harcla governor of Carliſle, was granted to Sir Hugh de Lowther for life, remainder to Ralph de Nevil baron of Raby, under the yearly rent of 100*s*; which Ralph ſold the ſame to the ſaid *Thomas de Muſgrave*. And king Ed. 3. in the 34th year of his reign confirmed the ſame to the ſaid Thomas and his heirs, and remitted the rent; and granted to him his ſpecial licence to rebuild and fortify the caſtle at Harcla, which had been burnt by the Scots.

VII. Sir THOMAS DE MUSGRAVE, ſon and heir of Sir Thomas, married firſt Margaret daughter of Sir William Roſs of Yelton in Yorkſhire (probably the ſame Sir William Roſs who was owner at that time of Kendal caſtle), and with her had Hubterſwell and Cowen Wood in that county. And to his ſecond wife he married Mary daughter of John Vaux, relict of Thomas Holland earl of Kent. In the 37 and again in the 43 Ed. 3. he was returned to ſerve in parliament for the county of York, in which he probably then reſided (being during his father's life-time) on his former wife's eſtate there.—In the 5 Ric. 2. he preſented a clerk to the rectory of Croſby Garret; and in the 8 Ric. 2. he died.

VIII. Sir THOMAS DE MUSGRAVE knight, ſon and heir of the laſt Sir *Thomas*, married Elizabeth daughter and one of the coheirs of Sir William Fitzwilliam of Sprotſburgh in Yorkſhire; whoſe Arms were, Lozenges, Argent and Gules.

In the 16 Ric. 2. he was ſheriff of Cumberland, and in the 1 Hen. 4. he was knight of the ſhire for Weſtmorland; and died in the tenth year of that king.

IX. Sir RICHARD DE MUSGRAVE knight, ſon, grandſon, and great grandſon of the three Thomas's reſpectively next above. His wife's name was Elizabeth, who died in the 3 Hen. 5.

The Muſgraves, next to Fitz-William, quarter, Argent, 3 mullets Sable; which ſeem to belong to this Elizabeth (whoſe ſirname we have not been able to recover); for none of the other families with which they were connected did bear theſe arms.

In the inquiſition *poſt mortem* of John lord Clifford, 10 Hen. 5. the jurors find, that Sir *Richard de Muſgrave* knight held the manors of Great Muſgrave, Hartley, Croſby Gerrard, and Murton. And he is the firſt in the liſt of jurors who took that inquiſition.

X. THOMAS MUSGRAVE eſquire, ſon and heir of Sir *Richard*, married Joan daughter of the lord Dacre, and died in the 21 Hen. 6. His widow appears

to have been living in the 34 Hen. 6. He had iſſue *Richard* his ſon and heir, and *Elizabeth* married to Henry Wharton.

XI. Sir Richard Musgrave, knight, married Elizabeth daughter of Sir Thomas Betham of Betham knight, and ſiſter of Sir Edward Betham. He was one of the jurors on the inquiſition *poſt mortem* of John lord Clifford in the 4 Ed. 4. And dying in the year after, he was buried in Kirkby Stephen church, as appears from his epitaph there above mentioned. He had iſſue, 1. *Elizabeth*, married to Thomas Gayt. 2. *Iſabel*, married to Thomas Middleton of Middleton hall eſquire. 3. *Thomas*. 4. *Margaret*, married to Thomas Elderton. 5. *Elianor*, married to William Thornburgh. 6. *Mary*, married to Thomalin Warcop. 7. *Richard*, who married Mary one of the two daughters and coheirs of Sir William Stapleton, and widow of Sir William Hilton. 8. *William*, to whom William lord Dacre, warden of the weſt marches, in the 25 Hen. 6. paid 100*l* for the repairs of Bewcaſtle. 9. *Agnes*, married to Robert Warcop. 10. *John*, who died without iſſue.

XII. Thomas de Musgrave, ſon and heir of *Richard*. He married Johanna the other daughter and coheir of Sir William Stapleton, by Margaret his wife; and with her he had Edenhall. The Arms of Stapleton are; Argent, 3 ſwords in triangle with the points outward Gules.

He died in the 9 Ed. 4. and had iſſue *Richard*, *John*, *Nicholas*, and *William*; from whom did deſcend the four families of Edenhall, Muſgrave hall (or Fairbank), Hayton, and Crookdake: And four daughters; *Margaret*, married to John Sandford; *Elianor* married to Chriſtopher Lancaſter; *Mary*, married to Nicolas Ridley; *Iſabella*, married to John Crackenthorp of Newbiggin eſquire.

XIII. Sir Richard Musgrave knight, ſon and heir of *Thomas*. In a feodary of knights and others holding in free tenancy of Thomas de Clifford in the 31 Hen. 6. *Richard Muſgrave* knight held Great Muſgrave of the ſaid Thomas, by homage and fealty, and 4*s* 2*d* cornage.

In the 8 Hen. 7. there was a diſpute between the biſhop of Carliſle and this *Richard*, concerning the patronage of the church of Muſgrave.

He married Johan daughter of Thomas lord Clifford; and by her had *Edward*, *Thomas*, *John* a clergyman, and *Jane*.

XIV. Sir Edward Musgrave of Harclay knight, ſon and heir of *Richard*. In the life-time of his father, he was ſtyled of Caterlen. In the 5 Hen. 8. he was ſheriff of Cumberland with John Crackenthorp eſquire. He was again in that poſt alone, as likewiſe in the 19 Hen. 8. In the 33 Hen 8. he and his ſon Sir William exchanged ſome lands with Sir Thomas Wharton of Wharton.

His firſt wife was Alice daughter of Thomas Radcliffe eſquire, by whom he had *Mary* married to John Martindale, and *Margaret* married to John Heron of Chipchaſe. His ſecond wife was Johan daughter and coheir of Sir Chriſtopher Ward of Gryndall in the county of York knight, by whom the

Muſgraves

Muſgraves had Gryndall; out of which ſhe gave by her will in the year 1540 to Katharine Allon her old ſervant a ſufficient living for term of her life. (The arms of Ward are; Azure, a croſs moline Or.) By his ſaid ſecond wife he had iſſue, 1. *William.* 2. *Edward*, who died without iſſue. 3. *Simon.* 4. *Elizabeth*, married to John Nevill lord Latimer. 5. *Magdalene*, married to Thomas Blenkinſop of Helbeck eſquire. 6. *Johan.*

From this Sir *Edward* the eldeſt line failed in the third generation, and the inheritance came back to *Simon* the third ſon above mentioned.

XV. Sir *William Muſgrave* of Harclay knight, ſon and heir of Edward, married Jane daughter of Sir Thomas Curwen.

In the 24th, and again in the 33 Hen. 8. he was ſheriff of Cumberland.

In the 34 Hen. 8. he was charged by the king's letter to find 60 horſe and 40 foot; and aſſiſted Sir Thomas Wharton in that memorable defeat of the Scots at Sollom Moſs.

In the 35 Hen. 8. he had the king's licence to ſettle his lands in Raughton, Gateſkell, Brackinthwaite, Stocklewath, and Sebreham in Cumberland, upon John Muſgrave gentleman for life, remainder to Adam, John, and Ingram, ſons of the ſaid John, ſucceſſively in tail male, remainder to the heirs male of the body of the ſaid John the father.

He had iſſue an only child, *viz.*

XVI. Sir Richard Musgrave knight, who came of age, and had livery of his lands, in the 37 Hen. 8.—In the 3 Ed. 6. he purchaſed of the king the rectory and advowſon of the church of Kirkby Stephen, and ſold the ſame again to Thomas lord Wharton, except the tithes of corn and hay of Hartley, Soulby, and Kaber.

He married Anne daughter of the ſaid lord Wharton, and died in the 2 and 3 of Philip and Mary, at Edenhall. His widow afterwards was married to Humphrey Muſgrave of Hayton eſquire.

The ſaid Sir *Richard* had iſſue, 1. *Thomas*, who died before his father, unmarried, in the 13th year of his age, in the 7 Eliz. 2. *Eleanor*, married to Robert Bowes of Aſke in the county of York eſquire; who died without iſſue.

And here the direct line failing, we go back as aforeſaid to *Simon* third ſon of *Edward.*

XVII. Sir Simon Musgrave, knight, in the 11 Eliz. was ſheriff of the county of Cumberland. He married Julian daughter of William Ellerkar of Yorkſhire, and by her had iſſue, 1. *Chriſtopher.* 2. *Thomas Muſgrave* captain of Bewcaſtle, who married to his firſt wife Urſula daughter and coheir of Sir Reginald Carnaby and widow of Sir Edward Witherington: To his ſecond wife he married a Scotch woman *. 3. *Richard Muſgrave* of Norton Conyers, who

* Concerning this Thomas we have met with an anecdote, which is curious, as it exhibits to us the form and manner of proceeding to the ancient trial by battel; viz. "It is agreed between Thomas "Muſgrave

who married Jane daughter of Sir John Dalſton knight. 4. *John*, who married Iſabel daughter of Thomas Muſgrave of Hayton eſquire. 5. *Anne*, married to Sir Nicolas Curwen of Workington.

XVIII. CHRISTOPHER MUSGRAVE eſquire, eldeſt ſon of Simon, married Jane daughter of Sir Henry Curwen of Workington, and ſiſter to Sir Nicholas. He died before his father; and left iſſue, 1. *Richard*. 2. *Julian*, married to Thomas Skelton of Armathwaite eſquire. 3. *Mary*, who died unmarried. 4. *Margaret*, married to Francis Whitfield of Whitfield eſquire.

XIX. RICHARD MUSGRAVE eſquire, ſon and heir of Chriſtopher ſon of Simon. He repreſented the county of Weſtmorland in parliament in the 1 Ja. 1. and at the coronation of that king was made knight of the Bath, and in the ninth year of that reign was created baronet. At his age of 14 he married Frances daughter of Philip lord Wharton. He died at Naples in Italy in the 13 Ja. 1. and lies interred in the cathedral church there. He left iſſue

" Muſgrave and Lancelot Carleton, for the true trial of ſuch controverſies as are betwixt them, to " have it openly tried by way of combat before God and the face of the world, to try it in Canonby " holme before England and Scotland, upon Thurſday in Eaſter week, being the 8th day of April " next enſuing, A. D. 1602, betwixt nine of the clock and one of the ſame day; to fight on " foot; to be armed with jack, ſteel cap, plaite ſleeves, plaite breeches, plaite ſockes, two baſ- " laerd ſwords, the blades to be one yard and half a quarter of length, two Scotch daggers or dorks " at their girdles; and either of them to provide armour and weapons for themſelves according to " this indenture. Two gentlemen to be appointed on the field to view both the parties, to ſee that " they both be equal in arms and weapons according to this indenture; and being ſo viewed by the " gentlemen, the gentlemen to ride to the reſt of the company, and to leave them but two boys, " viewed by the gentlemen to be under 16 years of age, to hold their horſes. In teſtimony of this " our agreement, we have both ſet our hands to this indenture, of intent all matters ſhall be made " ſo plain, as there ſhall be no queſtion to ſtick upon that day. Which indenture, as a witneſs, " ſhall be delivered to two gentlemen. And for that it is convenient the world ſhould be privy to " every particular of the grounds of the quarrel, we have agreed to ſet it down in this indenture " betwixt us, that knowing the quarrel, their eyes may be witneſſes of the trial.

" The grounds of the quarrel:

" 1. Lancelot Carleton did charge Thomas Muſgrave before the lords of her majeſty's privy " council, that Lancelot Carleton was told by a gentleman, one of her majeſty's ſworn ſervants, " that Thomas Muſgrave had offered to deliver her majeſty's caſtle of Bewcaſtle to the king of Scots, " and to witneſs the ſame, Lancelot Carleton had a letter under the gentleman's own hand for his " diſcharge.

" 2. He chargeth him, that whereas her majeſty doth yearly beſtow a great fee upon him as " captain of Bewcaſtle, to aid and defend her majeſty's ſubjects, therein Thomas Muſgrave hath " neglected his duty; for that her majeſty's caſtle of Bewcaſtle was by him made a den of thieves, " and an harbour and receipt for murderers, felons, and all ſorts of miſdemeanors. The prece- " dent was, Quintin Whitehead and Runion Blackburne.

" 3. He chargeth him, that his office of Bewcaſtle is open for the Scotch to ride in and through, " and ſmall reſiſtance made by him to the contrary.

" Thomas Muſgrave doth deny all this charge, and ſaith that he will prove that Lancelot Carleton " doth falſly bely him, and will prove the ſame by way of combat, according to this indenture. " Lancelot Carleton hath entertained the challenge, and ſo by God's permiſſion will prove it true as " before, and hath ſet his hand to the ſame.

THOMAS MUSGRAVE.
LANCELOT CARLETON."

——What the event of the combat was, we have not found.

by

by his ſaid wife, 1. *Mary*, who died unmarried. 2. *Philip*, who ſucceeded him.

XX. Sir PHILIP MUSGRAVE baronet was of the age of ſeven years at the death of his father Sir Richard. He married Julian, youngeſt daughter of Sir Richard Hutton of Gouldſborough in Yorkſhire, one of the juſtices of the court of common pleas: Which Julian died in the year 1659, and was buried at Edenhall.

He was returned one of the knights of the ſhire for Weſtmorland, in the parliament which met Apr. 3, 1640, and again in the November following. In 1644, he was made commander in chief for Cumberland and Weſtmorland by a commiſſion from the marquis of Newcaſtle, and was alſo made governor of Carliſle. At the reſtoration of king Charles the ſecond, he was choſen to repreſent the county of Weſtmorland in parliament. He was much conſidered by that king on account of his ſervices and ſufferings *, and by him was again made governor of Carliſle, which place he held during his life. He had a warrant for creating him baron Muſgrave of Harcla caſtle, but declined taking out the patent. He had a grant of the tolls of the city of Carliſle, which continued in his family till the union. He died in 1677, and was buried at Edenhall, where is the following monumental inſcription:

Æ. M. S.

Philippus Muſgrave *baronettus*, *Proſapia antiqua* Muſgraveorum *in hoc agro oriundus*, *Decus gentilitium*, *quod hæres legitimus acceperat tanquam poſſeſſor boni nominis*, *ſua virtute auctum ad poſteros tranſmiſit*. *In bello civili* Caroli I. *auſpicia ſequebatur*, *potens conſilio*, *opibus*, *manu*. *Regias partes*, *fortuna deſerente*, *non deſeruit*. *Poſt bonorum amiſſionem*, *et capitis proſcriptionem*, *de cauſa optima tardiſſime deſperavit*. *Ob merita egregia*, *et ob fidem conſtantiſſime patri præſtitam*, *ſibi ſervatam*, Carolus II. *cum diu circumſpiceret ei honorarium*, *ut judicium ſimul et adfectus oſtenderet*, Carlioli *donavit præfectura*, *contra ingentem aliorum ambitum*, *idem petentium præmium*. *Vixit annos ſeptuaginta*. *Deceſſit* Æra X^ti 1677. Feb. 7.

Chriſtophorus Muſgrave *Fil. Nat. Sec. Eq. Aur. parenti indulgentiſſimo Pietatis ergo P.*

By his ſaid wife Julian Hutton he had ſeven children: 1. *Richard*. 2. *Philip*, who died at Paris in the 20th year of his age unmarried. 3. *Chriſtopher*. 4. *William*, who died at the age of one year. 5. *Simon*, who at the age of 30 years was drowned in ſwimming for divertiſement. 6. *Thomas*, fel-

* Mar. 14, 1648-9. Reſolved, [by Cromwell's parliament] That Charles Stewart eldeſt ſon of the late king, James ſecond ſon of the late king, John earl of Briſtol, William earl of Newcaſtle, Sir William Widdrington, George lord Digby, Sir Philip Muſgrave, Sir Marmaduke Langdale, Sir Richard Greenville, Sir Francis Dodington, the earl of Worceſter, Sir John Winter, Sir John Colepeper, Sir John Byron, and George duke of Buckingham, ſhall be proſcribed as enemies and traytors to the commonwealth, and ſhall die without mercy wherever they ſhall be found within the limits of this nation, their eſtates confiſcated and forthwith employed for the uſe of the commonwealth. *Parliamentary Hiſt. v.* 19. *p.* 58.

low

low of Queen's college in Oxford, afterwards archdeacon of Carliſle, and prebendary of Durham, and finally dean of Carliſle. 7. *Frances*, married to Edward Hutchinſon of Wickham abbey in the county of York eſquire.

XXI. Sir RICHARD MUSGRAVE baronet, eldeſt ſon of the ſaid Sir Philip, married Margaret daughter of the aforeſaid Sir Thomas Harriſon; and by her had iſſue, 1. *Margaret*, who died in her infancy. 2. *Mary*, married to John Daviſon of Blakeſton in the county of Durham eſquire.

And here the male line of this branch failing, the next in ſucceſſion was,

XXII. Sir CHRISTOPHER MUSGRAVE knight, and afterwards baronet, brother of the ſaid Sir *Richard*. He was educated at Queen's college in Oxford, and afterwards in Gray's Inn. For his loyalty to the royal party, he was committed to the Tower, where he continued a long time priſoner before the reſtoration. After his father was made governor of Carliſle by king Charles the ſecond, he was made captain of a company of foot, afterwards governor of Carliſle, and was choſen repreſentative of the ſaid city in parliament. He was alſo by the ſaid king Charles the ſecond made lieutenant general of the ordnance, and by queen Anne was made one of the tellers of the exchequer. He ſerved in the firſt ſeſſion of parliament after the Revolution for the univerſity of Oxford, which he afterwards declined for the county of Weſtmorland. He was eminent for his great abilities and experience in parliamentary affairs, and died member of parliament for the ſaid county in the year 1704.

He married to his firſt wife Mary daughter and coheir of Sir Andrew Cogan of Greenwich knight; and by her had iſſue, 1. *Philip*. 2. *Chriſtopher*, who died unmarried. 3. *Mary*. 4. *John*. 5. *Richard*. (Which three laſt died young.) 6. *Joſeph*, who ſerved in parliament as repreſentative for Cockermouth in 1713. 7. *Simon*, who died in the Eaſt Indies. To his ſecond wife he married Elizabeth daughter of Sir Thomas Franklyn of Wilſdon in the county of Middleſex knight; and by her had iſſue, 1. *Joſeph*. 2. *Thomas*. 3. *George*, who had three ſons; *Joſeph*, who married Jane eldeſt daughter of the preſent Sir Philip Muſgrave of Edenhall baronet; *Thomas* and *George*. 4. *Elizabeth*, married to John Wyneve of Brettenham in the county of Suffolk eſquire. 5. *Dorothy*, married to James Hawley of Brentford in the county of Middleſex eſquire. 6. *Mary*. 7. *Frances*. 8. *Anne*. 9. *Barbara*. (Which four laſt died unmarried.)

He died at London July 29, 1704, and was buried in St. Trinity in the Minories, near his eldeſt ſon Philip, who died before him.

XXIII. PHILIP MUSGRAVE eſquire, eldeſt ſon of Sir *Chriſtopher*, married Mary eldeſt daughter of George lord Dartmouth; and by her had iſſue, 1. *Barbara*, married to Thomas Howard of Corby eſquire. 2. *Chriſtopher*.

He died July 2, 1688, and was buried near his father-in-law the lord Dartmouth in the chapel of Trinity Minories near the Tower of London, and to his memory a monument was erected in the pariſh church of Edenhall, with this inſcription:

To the memory of Philip Muſgrave *eſquire, eldeſt ſon of Sir* Chriſtopher Muſgrave *of* Edenhall *in the county of* Cumberland *knight and baronet, by* Mary *his firſt wife daughter of Sir* Andrew Cogan *of* Greenwich *in the county of* Kent *baronet; who having had all the advantages of education at home and travel abroad, was qualified at the age of* 25 *years to ſerve his majeſty king Charles the ſecond as clerk of the council, and one of the principal officers of the ordnance, and his country alſo in parliament.*

XXIV. Sir CHRISTOPHER MUSGRAVE baronet ſucceeded his grandfather Sir *Chriſtopher*. He was born in London in 1688; had his education at Eaton ſchool, and at Chriſt Church college in Oxford. He ſucceeded his uncle *Chriſtopher Muſgrave* eſquire as clerk of the council in 1710. He repreſented the city of Carliſle in the laſt parliament of queen Anne, and the county of Weſtmorland in 1722.

He married Julia daughter of Sir John Chardin knight; and from her brother Sir John Chardin baronet who died without iſſue, her ſon Sir Philip Muſgrave baronet became poſſeſſed of Kempton Park in Middleſex in the year 1746. The Chardin Arms are; Argent, a cheveron with a dove in baſe Azure, and 2 red roſes in chief.

He died in the year 1735, at the houſe of his friend and kinſman Henry Fleetwood of Penwortham in the county of Lancaſter eſquire, and was interred (according to his own deſire) in the chancel of the pariſh church there, where his ſon Sir Philip Muſgrave cauſed a monument to be erected to his memory.—By his ſaid wife he had iſſue, 1. *Philip*. 2. *Chriſtopher*, fellow of All Souls college in Oxford, and rector of Barking in Eſſex. 3. *Hans*, lieutenant colonel in his majeſty's forces. 4. *Chardin*, provoſt of Oriel college in Oxford. 5. *Mary*, married firſt to Hugh Lumley eſquire of the kingdom of Ireland, and ſecondly to John Pigot eſquire of the ſame kingdom of Ireland. 6. *Julia*, married to Edward Haſſel of Dalemain eſquire. 7. *Barbara*, married firſt to John Hogg eſquire of Scotland, and ſecondly to the lord chief baron Idle. 8. *Anne*, married to Henry Aglionby of Nunnery eſquire. 9. *Elizabeth*, married firſt to Edward Spragge of Greenwich in Kent eſquire, and ſecondly to John Johnſton of the city of London eſquire. 10. *Charlotte*, who died unmarried. 11. *Dorothy*, married to William Wroughton clerk.

XXV. Sir PHILIP MUSGRAVE baronet, the preſent owner of the family eſtate, married Jane daughter of John Turton of Orgreave in the county of Stafford eſquire; and by her hath had iſſue, 1. *Jane*, married, as aforeſaid, to Joſeph Muſgrave eſquire. 2. *Julia*, who died young. 3. *Mary*, alſo dead. 4. *Elizabeth*, married to Heneage Legge of Idlicote in the county of Warwick eſquire. 4. *Charlotte*. 6. *Dorothy*. 7. *Henrietta*. 8. *John Chardin*. 9. *Frances*. 10. *Chriſtopher*.

The paternal Arms of Muſgrave are; Azure, 6 annulets Or, 3, 2, and 1. The Creſt: Two arms in armour Proper, gauntled, and graſping an annulet Or.

PARISH

PARISH OF WARCOP.

I. *Pariſh of Warcop.*
II. *Manor of Warcop.*
III. *Manor of Sandford.*
IV. *Manor of Burton.*
V. *Manor of Bleatarn.*

I. PARISH OF WARCOP.

THE *cups* in the arms of *Warcop* ſeem to have been aſſumed from a miſapprehenſion of the name of the place; for it was never anciently written *Warcup*, but *Warthecoppe*, and ſometimes *Wardecop*. *Coppe* ſignifies the top of an hill. Which hill, no doubt, is the place where the *tower* or manor houſe ſtood, upon a riſing ground aſcending from the river Eden. Whether the former part of the word might be from a *wath* or ford over the river there before the bridge was erected, or rather from *ward* being kept there, cannot now with any preciſion be determined.

The pariſh of Warcop is bounded on the Eaſt by the pariſh of Muſgrave; on the South, by the pariſhes of Croſby Garret and Kirkby Stephen; on the Weſt, by the pariſhes of Aſby, Ormeſhead, and St. Michael's Appleby; and on the North, by the pariſh of Romaldkirk in the county of York: And contains about 117 families; all of the church of England, except one or two.

The church is dedicated to *St. Columbe*; by contraction, *St. Combe*. Thus in the year 1380, Thomas de Sandford bequeathed, according to the cuſtom of thoſe times, to the vicar of Warcop 20*s* (which kind of legacy afterwards obtained the name of *mortuary*) for his forgotten tithes, and his body to be buried in the churchyard of *St. Columbe*. And in 1526, *Edward Hilton* rector of Blechingdon by his laſt will and teſtament (hereafter mentioned) bequeathed a legacy for an obit to be performed in *St. John*'s ile or porch in the pariſh church of *St. Combe* of Warcop.—This ſaint is not in the Kalendar of ſaints in the Romiſh church, having never been canonized at Rome. He was the apoſtle of the Picts, and ſettled in one of the Hebrides iſlands, in the ſixth century.

It is a vicarage, in the patronage of the lord of the manor; valued in the king's books at 9*l* 5*s* 3½*d*; and returned to the governors of queen Anne's bounty at the clear yearly value of 45*l*.

This church was appropriated to the abbey of Shap, by Robert de Clifford, in the reign of king Edward the firſt. Which appropriation biſhop Halton confirmed, in conſideration of the poverty and ruined eſtate of the ſaid abbey, occaſioned by the incurſions of the Scots: reſerving to himſelf and his ſucceſſors

ceſſors a yearly penſion of 4*l*, to be paid by equal portions at Whitſuntide and Martinmaſs.

The laſt rector, before the appropriation, was one *Robert de Muſgrave*; unto whom we find a writ directed in the year 1310, concerning a diſpute about a farm in Great Ormeſheved.

On his death, the firſt vicar, preſented by the abbot and convent, in the year 1311, was *William de Warthecoppe* their late abbot.

In the year 1320, *Hugh de Hoveden*, prieſt, and canon of Heppe, was preſented by the ſaid abbot and convent.

In 1359, one frier *Nicholas de Preſton* was vicar; who was excommunicated for neglect of paying his yearly penſion to the biſhop and to the abbey, and on his diſcharging the ſame was abſolved.

In 1574, *Edward Knype* was vicar of Warcop and rector of Clybburn; who by his will bequeathed a ſum of money for the purchaſe of 20 nobles yearly of quit rent for ever, to be diſtributed amongſt his poor relations and the poor pariſhioners of Warcop and Clybburn for ever by equal portions.

On the death of the ſaid Edward Knype in the year following, Sir *David Jack* clerk was inſtituted, on the preſentation of Edward Warcopp of Warcopp eſquire. So that now the advowſon was come into the hands of the lord of the manor, by purchaſe probably from the grantee of the crown, after the diſſolution of the abbey.

In 1585, on the reſignation of David Jack, Sir *Nicholas Deane* was inſtituted, on the preſentation of Joſeph Warcop gentleman.

On the ceſſion of Nicholas Deane to Bromfield in the year 1589, Sir *Robſon* clerk was inſtituted on the preſentation of John Warcop of Warcop gentleman.

In 1597, on the death of Robert Robſon, Sir *Anthony Jaques* clerk was inſtituted, on the preſentation of Thomas Brathwaite of Warcop eſquire.

In 1625, on the death of Anthony Jaques, *George Martin*, B. A. was inſtituted on the preſentation of king Charles the firſt in the right of George Brathwaite eſquire his ward.

In 1643, on the death of *John Hawton*, vicar of Warcop; *John Vaux*, M. A. was inſtituted on the preſentation of colonel Richard Dacre, grantee probably of the ſaid king for that turn, in right of Richard Brathwaite eſquire then in wardſhip to the king.

And in the ſame year, *Edward Mawſon*, M. A. was inſtituted on the preſentation of the ſaid king in right of his ſaid ward.

In 1663, *Charles Crow* clerk was inſtituted on the preſentation of Richard Brathwaite eſquire.

In 1714, on the death of *Richard Ward* vicar of Warcop, *Matthew Lamb*, B. A. was inſtituted on the preſentation of Richard Brathwaite, eſquire.

In 1735, on the death of Matthew Lamb, *Matthias Ward* was inſtituted on the preſentation of Robert Brathwaite eſquire.

The *church* is ſmall, with two little bells. On the ſouth ſide there is a porch, which belonged formerly to Warcop Tower (the ancient manor houſe). It

was given up by one of the owners, Mr. Fairer, to the inhabitants for their own uſe, on condition of their repairing the ſame. On the north ſide is another ile, belonging to the owner of Burton hall in this pariſh, being probably that which in the will of Edward Wilton hereafter mentioned is called *St. John*'s porch.

The *vicarage houſe* hath been anciently moated round, including the garden, orchard, and outhouſes; with a draw-bridge at the entrance: the neceſſity whereof is apparent, as it is ſituate by the road ſide out of Scotland.

II. MANOR OF WARCOP.

So early as the reign of king John, we find *William de Warthcop* witneſs to a grant by the firſt Robert de Veteripont to Robert ſon of William de Sandford.

And to a grant of lands at Morland to the priory of Wetheral, one of the witneſſes was *William de Wardecop.*

In the time of John de Veteripont ſon of the aforeſaid Robert, there is a grant to the lord of the manor of Warcop (without naming him), and to the lords of Sandford, Burton, and Helton, by the ſaid John de Veteripont, of "freedom from pulture of the foreſters, and from all things that he, his "anceſtors, or heirs, or his foreſters might or could take or demand at any "time by occaſion of the ſaid pulture, by the teſtimony of his verderers or "other officers of the foreſt: But if any forfeiture ſhould incur by reaſon "of any treſpaſs committed in the foreſt, or of vert or veniſon, the foreſters "ſhould apply to the lords of the ſaid towns, and demand of them *wytneſman*, "and the ſaid lords ſhall find to the foreſters *wytneſman.*"

After the death of the ſaid John de Veteripont, who died in the 26 Hen. 3. his ſon Robert, then a minor, was committed to the cuſtody of the prior of Carliſle, who ſuffered great waſte to be done in his lands in Weſtmorland; and one of the jurors to inquire of the ſaid waſte was *William de Warthecopp.*

After the death of the ſaid Robert de Veteripont ſon of John, who died in the 49 Hen. 3. one of the commiſſioners appointed for making partition of his lands between his two daughters was *Richard de Warthecop.*

In the 20 Ed. 1. *Richard de Warthecop* was a juror in a cauſe at Appleby, between the king and the abbot and convent of St. Mary's York.

To a grant of lands at Ormeſhead about this time, by Robert ſon of Robert ſon of Gamel de Sandford, two of the witneſſes were *Richard de Warthecopp* and *Henry* his ſon.

In the 8 Ed. 2. after the death of Robert de Clifford, the inquiſition finds, that *Henry de Warthecop* held of the ſaid Robert, on the day on which he died, the manor of Warthecop and half of Wateby; the wardſhip whereof was worth 30*l*, the cornage 17*s* 8*d*.

And

And in the ſame year, as alſo in the 10 Ed. 2. he was knight of the ſhire for Weſtmorland.

The next was *Thomas de Warthecop*, who in the 3d and again in the 4 Ed. 3. repreſented the ſaid county of Weſtmorland in parliament.

In the 5 Ed. 3. To a deed of lands at Breeks from Hugh de Ormeſheved to Adam de Appelby, one of the witneſſes is *Thomas de Warthecopp* then ſheriff of Weſtmorland.—And there ſeems to have been a ſucceſſion of ſeveral of the name of *Thomas*.

In the 50 Ed. 3. *Thomas de Warthecopp* was knight of the ſhire for the ſaid county.

So in the 4 Ric. 2. and in the 8 Hen. 4. the 9 Hen. 4. the 2 Hen. 5. and 8 Hen. 5. *Thomas Warthecopp* was choſen repreſentative of the ſaid county.

And about this time the family was become much diffuſed and multiplied. For there was then a branch of this family ſettled at Smardale, by marriage of the heireſs there. In the 10 Hen. 5. after the death of John de Clifford, in taking the inquiſition, *Robert de Warcop* was eſcheator for the king; and *Thomas Warcop* of Lambertſeat, and *Thomas Warcop* of Colby (who married the heireſs there), were two of the jurors. There was then alſo one *Thomas Warcop* of Warcop, who held divers lands there, but he was not lord of the manor; for the inquiſition finds, that *Ralph* earl of *Weſtmorland* then held the manor. There was alſo one *Thomas de Warcop* about that time who married a coheir of Sandford.

After this, we find nothing particular concerning the Warcops of Warcop for ſeveral generations. Probably they had been great ſufferers, as moſt of the northern gentry were, in the civil wars between the houſes of York and Lancaſter. And the manor ſeems to have been forfeited, and granted to the *Nevils*. By an inquiſition of knights fees in the 31 Hen. 6. it appears, that *George Nevil* knight, lord of Latymere, held Warcop. In the 18 Hen. 8. *Richard Nevil* lord of Latymere held the ſame. And in the 24 Hen. 8. *John Nevil* lord of Latymere, ſon and heir of the ſaid Richard, held the ſaid manor. And in the 1 and 2 Ph. and M. *George Nevil* held the ſame.—After this, we find the manor come back into the name of Warcop. And in the 17 Eliz. *Edward Warcop* of Warcop eſquire preſented David Jack as aforeſaid to the vicarage.

In the 28 Eliz. *Joſeph Warcop* gentleman preſented Nicholas Deane to the vicarage.

In the 32 Eliz. *John Warcop* gentleman preſented to the vicarage Robert Robſon clerk. And this is the laſt of the Warcops who was lord of the manor there. The name and family was not then extinct, nor perhaps is yet, for there are ſeveral of the name in divers parts of the county. But there are none of any conſiderable note; nor can they perhaps derive their pedigree from any of the aforeſaid branches of this ancient family.—Here therefore we leave the name Warcop of Warcop.

Their arms were; Sable, three cups with covers Argent.

We come next to the family of *Brathwaite* of Warcop. The laſt mentioned *John Warcop* ſold the manor to *Thomas Brathwaite* eſquire (afterwards Sir Thomas), the eldeſt in the direct line of the Brathwaites of Ambleſide in the barony of Kendale. His father *Robert Brathwaite* eſquire of Ambleſide (ſon of *Richard*) purchaſed the manor of Burneſhead; which, being the larger eſtate, he gave to this his eldeſt ſon *Thomas*, who afterwards purchaſed Warcop: And with him therefore we begin our pedigree of the Brathwaites of Warcop.

1. Sir *Thomas Brathwaite* of Burneſhead and Warcop, knight, married Dorothy daughter of Robert Byndloſe of Helſington; and by her had iſſue, (1) *Thomas*, his eldeſt ſon and heir. (2) *Richard*, to whom he gave Burneſhead, and from him deſcended the Brathwaites of Burneſhead. And five daughters, *Agnes*, *Alice*, *Dorothy*, *Mary*, and *Anne*, all married. †

2. Sir *Thomas Brathwaite* of Warcop, knight. He married Elizabeth daughter of Sir John Dalſton of Dalſton, by his wife one of the coheirs of

† This Thomas had a grant of a creſt to the ancient arms of the family, as followeth: —— To all and ſingular as well nobles as others, to whom theſe preſents ſhall come, to be ſeen, read, or heard; Edmund Knight eſquire, alias Norroy principal herald and king of arms of the north parts of this realm of England from the river of Trent northwards, ſendeth greeting: Whereas anciently from the beginning, the valiant and virtuous acts of worthy perſons have been commended to the world in all ages with ſundry monuments and remembrances of their good deſerts, and amongſt which the chiefeſt and moſt uſual hath been the bearing of ſigns and tokens in ſhields called arms, being the evident demonſtrations and teſtimonies of proweſs and valour, diverſly diſtributed according to the qualities and deſerts of the perſons meriting the ſame; which order, as it was prudently deviſed in the beginning to ſtir and kindle the hearts of men to the imitation of virtue and nobleneſs, even ſo hath the ſame been and yet is continually obſerved, to the end that ſuch as have done commendable ſervice to their prince or country, either in war or peace, might thereby receive due honour in their lives, and alſo leave the ſame in ſucceſſion to their poſterity for ever: And whereas Thomas Brathwait of Warcopp in the county of Weſtmorland gentleman, ſon and heir of Robert Brathwait of Ambleſide in the county aforeſaid gentleman, which Robert was the ſon of Richard Brathwait in the ſaid county gentleman, who was deſcended of an ancient houſe and family long time bearing arms, that is to ſay, Gules, on a cheveron Argent three croſs croſlets fitchee Sable; and yet not knowing of any creſt or cognizance meet and lawful to be born without prejudice or offence to any other perſon or perſons: For accompliſhing whereof, and finding no creſt unto the ſame (as commonly to all ancient arms there belongeth none), I the ſaid Norroy king of arms, by power and authority to me committed by letters patent under the great ſeal of England, have aſſigned, given, and granted unto the ſaid Thomas Brathwait gentleman, to his ſaid ancient arms, by way of increaſe, for his creſt or cognizance, as followeth; that is to ſay, upon the helme on a torſe white and black, a greyhound couchant Argent, his collar and lyne Gules, mantled Gules, double Argent. Which ſaid arms and creſt, and every part thereof, I the ſaid Norroy king of arms do by theſe preſents aſſign, give, and grant, allow, ratify, and confirm unto the ſaid Thomas Brathwait and to his poſterity for ever; and the ſame to enjoy, uſe, and bear, and alſo ſhew forth with their due differences according to the law of arms, at all times, in ſhield, coat armour, or otherwiſe, at his and their liberty and pleaſure, without impediment, let, or interruption of any perſon or perſons. In witneſs whereof, I the ſaid Norroy king of arms have ſigned theſe preſents with my hand, and put thereunto the ſeal of mine office, this 22d day of November, in the 34th year of the reign of our moſt gracious ſovereign lady Elizabeth by the grace of God queen of England, France, and Ireland, &c. &c. in the year of our Lord God 1591.

EDMUND KNIGHT, alias
Norroy Roy d'Armes.

the

the laſt Warcop of Smardale. They had iſſue, (1) *George.* (2) *Dorothy*, married to Sir Thomas Dacre of Abbey Lanercoſt in Cumberland.

3. *George Brathwaite* of Warcop, eſquire. He married Winifred daughter of Sir Richard Fletcher of Hutton. They had iſſue, (1) *Richard.* (2) *Barbara*, married to Chriſtopher Hilton of Burton and Ormeſhead eſquire. (3) *Elizabeth*, married to Thomas Tempeſt of Stella in the county of Durham eſquire.

4. *Richard Brathwaite* of Warcop, eſquire, married Mariana daughter of James Chaloner of Giſbrough in the county of York eſquire (one of king Charles's judges); and by her had iſſue, (1) *George*, who was ſix years of age at the time of Dugdale's viſitation in 1664: He was afterwards captain in the army, and died without iſſue. (2) *Richard*, who on the death of his elder brother without iſſue ſucceeded to the inheritance. (3) *Mariana*, married to John Ogle of Newcaſtle upon Tyne eſquire, to whom ſhe had iſſue Sir Chaloner Ogle knight, rear admiral of the blue. (5) *James*, a captain in the army, who died without iſſue.

5. *Richard Brathwaite* of Warcop, eſquire, married Elizabeth daughter of Sir Robert Booth knight, chief juſtice of the king's bench in Ireland; and by her had iſſue, (1) *Richard*, who married Dorothy daughter of Thomas Carleton of Appleby gentleman, and died before his father, without iſſue. (2) *Robert.* (3) *Henry.* (4) *Thomas.* (5) *George.* (6) *William.* (7) *Elizabeth.* (8) *Mary.* (9) *Lucy.*

6. *Robert Brathwaite* of Warcop, eſquire, married Elizabeth daughter and coheir of Reginald Dobſon of Barwiſe gentleman, and had iſſue, (1) *Richard*, now captain in the royal navy. (2) *Elizabeth*, who died an infant.

The ſaid Robert Brathwaite by his will deviſed the manor of Warcop, with the demeſne lands thereto belonging, and alſo the tithes of Warcop and Bleatarn, and the advowſon of the vicarage, to Cuthbert Collingwood of Newcaſtle upon Tyne merchant (who married the other coheir of Reginald Dobſon) to be ſold for the purpoſes in the ſaid will mentioned; and the ſame were accordingly ſold to Thomas Carleton of Appleby eſquire; who gave the ſame as a marriage portion with his younger daughter Dorothy to George Stephenſon eſquire; which George Stephenſon dying without iſſue, the premiſſes came to coheirs ſiſters of his father John Stephenſon gentleman; and upon a partition thereof, the manor of Warcop acceded to Elizabeth wife of William Preſton clerk, rector of Brougham; whoſe ſon and heir William Preſton, M. A. rector of Ormſhead now enjoys the ſame (1776).

Warcop-hall is an handſome commodious building, elegantly ſituate on a riſing ground. It was greatly improved, and much of it rebuilt, by the ſaid George Stephenſon.

But this was not the ancient manor houſe; for that was at the place which is now called *Warcop tower:* which was heretofore a large building, though there is now nothing thereof remaining but a ſmall farm houſe and outhouſes.

About

About 100 yards ſouth-eaſt from the village of Warcop, was a *caſtle*, which appears to have been a large building, and to have taken up more than one acre of ground. Mr. Machel ſays, that he had ſeen ſome part of the walls dug up, which were 15 foot thick, and of fair hewn ſtone, well cemented with lime and ſand. And there was a tradition, he ſays, that the ſtones of the ſteeple of the church at Kirkby Stephen (which was built about the year 1606) were fetched from thence. The place where the caſtle ſtood ſtill goes by the name of *Caſtle-hill*.

At about 200 yards diſtance ſouth-eaſtward from the caſtle, is a place in the common field called *Kirkſteeds*, where have been found wrought free ſtones; from which, and from the name thereof, it is ſuppoſed, that in this place heretofore there hath been a chapel.

Near the old Roman way, upon a place called Brough-hill, where the annual fair is holden, in caſting up the new turnpike road, were found in a direct line at equal diſtances three Roman ſecuris's or hatchets, not made of iron and ſteel, but of a much heavier metal like bell-metal.

III. MANOR OF SANDFORD.

Weſt from Warcop, lies the manor of *Sandford*, on the north ſide of the river Eden; which probably had its name from ſome *ford* over that river, the ſoil being remarkably ſandy all thereabouts.

In the reign of king John, there is a grant by *William* ſon of *Robert de Sandford*, to Robert de Veteripont, of his wood of Sandford and all the turbary of the ſaid town, in conſideration of his being diſcharged from homage and ſervice, and of the ſum of ten marks in ſilver and one palfrey; deſcribing the boundaries as follows: "Beginning from Creſkeld-beck where it falls "into Coupmanebeck, and ſo going up through the middle of Erthuſegill "to a place where Rouche-beck falls into the ſaid Creſkeld-beck, and ſo "going up Rouche-beck into Tonwode mire which lies between the aforeſaid "wood of Sandford and Humfreyſheved, and ſo from Humfreyſheved going "up to the ſike which falls from the rock of Burton, and ſo to the way "which goes from Sandford towards Burton, and then going down north-"wards to the corner of the field of William ſon of Simon, and ſo going up "by the ſide of the ſaid field towards the ſouth to the head of Swineſete, "and ſo going along between the improved land and the wood which encom-"paſſeth Scaleſtedes mire, deſcending weſtward to the brook which is called "*Sandwath* juſt at the going out of Sandford, and ſo taking in the whole "turbary from Sandford aforeſaid to Coupmane-beck: Paying to him and "his heirs 3d yearly at the feaſt of St. Laurence. Witneſſes; *Reimund de "Derneford* then ſheriff of Weſtmorland, *Guido de Hellebeck*, *Thomas* ſon of "*Reimund*, *Adam de Muſegrave*, *Roger de Bethun*, *Thomas* ſon of *William* ſon "of *Reimund*, *William* ſon of *Simon*, *William de Morvil*, *Galfridus de Wateby*, "*Robert* the foreſter, *Nicolas de Ribles*, and others."

Afterwards, the ſaid Robert de Veteripont regranted the ſame by the ſame metes and bounds to *Robert de Sandford*, ſon of the ſaid *William*, for the ſum of

of 20 *l* paid to him in his neceſſity (as the charter expreſſeth it), that is, probably, when he went with the cruſade into the holy land. Witneſſes of which grant were, *Reimund de Derneford* ſheriff of Weſtmorland, *Thomas de Helbeck*, *William Morvil*, *Thomas Bowet*, *Robert de Aſkeby*, *William de Warthecopp*, *Matthew de Roſgill*, *Geoffrey de Wateby*, *Adam Muſegrave*, *William Chartney*, and others.

After the death of John de Veteripont ſon of the ſaid Robert, it was found by inquiſition, that the prior of Carliſle, guardian of the heir during his minority, had ſuffered great deſtruction to be made in the underwoods of Sandford.

In the 14 Ed. 1. in the partition of the inheritance between the two daughters of the laſt Robert de Veteripont, Idonea the younger daughter had allotted to her the homage and ſervice of *Richard de Sandford.*

In the 18 Ed. 1. there is a grant from *John* ſon of *John de Sandford* to John de Helton: Witneſſes whereof were, Richard de Warthecop, Henry his ſon, John Mauchael, William de Crakenthorp, Thomas de Helton, Thomas ſon of James de Morton, William de Neuby, and others.

In the 10 Ed. 2. *Robert de Sandford* was knight of the ſhire for the county of Weſtmorland.

In the 15 Ed. 2. Sir *William de Sandford* repreſented the ſaid county in parliament. He had a younger brother *Edmund*, who removed to Aſkham; and was the founder of the family of that name both at Aſkham and Howgill. There was alſo at that time one Sir *Robert de Sandford*, probably ſon of the ſaid William, who ſerved in parliament for the ſaid county, from the 16 Ed. 2. to the 9 Ed. 3. in eleven different parliaments.

In the 6 Ed. 3. *Simon de Sandford* ſerved in parliament as burgeſs for the borough of Appleby.

In the 9 Ed. 2. *William de Sandford* ſerved for the ſaid borough.

In the 12 Ed. 3. *Thomas de Sandford* ſerved in parliament for the county of Weſtmorland.

In the 14th, 17th, and 18th of Ed. 3. *Robert de Sandford* was knight of the ſhire for the ſaid county.

In the 15 Ed. 3. *Thomas de Sandford* and *William de Sandford* ſerved as burgeſſes for Appleby.

In the 20 Ed. 3. *William de Sandford* and *Thomas de Sandford* repreſented the county: and in the ſame year *Simon de Sandford* ſerved for the borough.

In the 22 Ed. 3. *Thomas de Sandford* was knight of the ſhire.

In the 24 Ed. 3. *Robert de Sandford* ſerved for the ſaid borough; as alſo in the 26 Ed. 3. And in the 28 Ed. 3. he ſerved for the county.

In the 30 Ed. 3. *Robert de Sandford* appears to have held the manor of Sandford. He had a ſon Henry, who was rector of Croſby Gerard; which Henry had a licence from the biſhop of Carliſle to be abſent from his church, on condition that he ſhould cauſe divine ſervice to be performed once or twice in every month in his father's oratory at Sandford.

In the 35th, and again in the 37th of Ed. 3. *Thomas de Sandford* was knight of the ſhire.

In the 43 Ed. 3. by an inquiſition of knights fees, it is found, that *Thomas de Sandford* then held Sandford of Roger de Clifford, by homage and fealty, and 3*s* 4*d* cornage.—Which Roger de Clifford granted and confirmed to this Thomas and Iſabel his wife common of turbary in Sandford; ſo as they and their tenants pay their accuſtomed yearly rent of one halfpeny for every cart load in Sandford myre.

In the 12 Ric. 2. *Robert de Sandford* was knight of the ſhire.

In the 15 Ric. 2. by the inquiſition *poſt mortem* of Roger de Clifford, it is found, that *Robert de Sandford* then held the manor of Sandford.

In the 4 Hen. 4. after the death of Maud de Clifford, the inquiſition finds, that *Robert de Sandford* held the ſame of her as part of her dower and jointure.

In the 1 Hen. 5. *Robert de Sandford* ſerved in parliament as burgeſs for Appleby.

In the 10 Hen. 5. after the death of John de Clifford, the jurors find, that *Chriſtopher Berdeſey* and *Margaret* his wife, and *Thomas de Warthecopp* and *Katherine* his wife, held the manor of Sandford, as of the right of the ſaid *Margaret* and *Katherine*.—From whence it is clear, that this eldeſt branch of the family of Sandford (in like manner as almoſt all the other great families) ended in daughters.

By an inquiſition of knights fees in the 31 Hen. 6. it appears, that *Thomas Warcop* vicar of Kirkby Stephen as of the right of *Katherine* his late wife, and *Chriſtopher Berdeſey* as of the right of *Margaret* his wife, daughters and coheirs of *Robert Sandford* eſquire, held the ſame.—And afterwards, in the ſame year, *Thomas Warcopp* of Colby ſon of *Thomas Warcopp* late vicar of Kirkby Stephen as of the right of *Katherine* wife of the ſaid vicar, and *Chriſtopher Berdeſey* and *Margaret* his wife as of the right of the ſaid *Margaret*, held the ſame, by homage and fealty, and 3*s* 4*d* cornage.

In the 18 Hen. 8. *Thomas Warcop* of Colby, ſon and heir of *Edward Warcop*, held Sandford of Henry earl of Cumberland.

In the 1 and 2 Ph. and Mary, *Barnaby Warcop* held the ſame.

In the next generation, the ſame went off again with daughters coheirs. For in the 34 Eliz. *John Dalſton* of Dalſton eſquire and *Frances* his wife, and *Talbot Bowes* of Egleſton Abbey in the county of York eſquire and *Agnes* his wife, daughters and coheirs of *Thomas Warcop* of Smardale eſquire deceaſed, ſold to the ſeveral tenants their tenements at Sandford to freehold, with a reſpective proportion of the waſtes, moſſes, and commons.

And in the 23 Cha. 2. Sir *Thomas Brathwaite* of Warcop knight, and *Elizabeth* his wife (daughter of the ſaid John Dalſton by his wife Frances Warcop as aforeſaid), ſold to *Andrew Wharton* of Gray's Inn eſquire the *manor* of Sandford, with the ſoil, profits of courts, waifs, ſtrays, deodands, felons goods, eſcheats, rents, boons, and the like.

And the ſaid *Andrew Wharton* ſold the demeſne and rents to the ſeveral inhabitants and land owners.

We

We have not found to whom the rectorial *tithes* of Sandford were immediately granted after the diſſolution of the monaſteries. In the year 1678, they were in the poſſeſſion of Thomas Gabetys eſquire of Croſby Ravenſworth, who ſold the ſame to William Crook of Coppal in the county of Lancaſter gentleman; and in 1700, Samuel Crook of the ſame place gentleman, and Mary Crook widow his mother, ſold the ſame to ſeveral of the inhabitants, who afterwards ſold out to the reſt.

The *hall* or manor houſe was ſold by the ſaid Andrew Wharton to Richard Fawcet; in which houſe there was anciently a chapel, as appears by the aforeſaid licence of abſence to Henry de Sandford.

There was a tenement and cottage at Sandford which belonged to Shap abbey; which, at the time of the diſſolution of the abbey, was in the poſſeſſion of one Robert Bolland.

Nigh to Sandford field corner, on the right hand of the road leading from Warcop towards Appleby, not far from the Roman way, are three or four Tumuli. The largeſt of which is 91 paces in circumference, the next 86, the next about 40, the other a ſmall one almoſt defaced. And near the ſame was a circle of ſtones, almoſt at equal diſtances, in diameter about 50 paces; which are now removed, being made uſe of in building.

The largeſt of theſe *tumuli* was opened in the year 1766, at the deſire of Dr. Charles Lyttelton biſhop of Carliſle and preſident of the Antiquarian ſociety, by the reverend William Preſton of Warcop hall aforeſaid; who gave to his lordſhip the following account: "Agreeable to your lordſhip's direc- "tions, I yeſterday finiſhed cutting through the largeſt of the barrows or "tumuli upon Sandford moor. Though I employed 6 or 8 men, it took us "up three whole days. We drove a level, and for ſome time found nothing "worth taking notice of. At laſt a workman going to the very top of the "barrow, and beginning to dig there, about half a yard below the ſurface "threw out a ſmall piece of a veſſel, upon which we examined every thing "with great care, and immediately found a ſmall urn or veſſel, ſet in a "large one. It contained ſomething white like aſhes, as much as might be "laid upon a ſixpence, which the wind ſoon diſperſed. On one ſide of the "urn, but a little deeper, lay a two-edged ſword, with a curious carved hilt, but "almoſt deſtroyed with ruſt. Its breadth is nearly two inches and a half; "its length, ſomewhat more than two feet. On the other ſide lay the head, "as it ſeemeth, of an halbert or ſome ſuch inſtrument, together with ſome "other things which I cannot explain. Underneath theſe, about a yard "deeper, we came to what at firſt appearance reſembled a vault, but on a "nearer examination proved to be nothing but a vaſt heap of ſtones of "various kinds, ſuch as are not to be found on that moor or near it. In "clearing the place of theſe, we found nothing, till at the very bottom, "and as near as we could gueſs exactly under the urn, we came to a ſquare "place about 4 feet in length and 2 in breadth. In this was laid ſome

" rich black mould, about 3 inches deep, and amongſt this were many " human bones, which evidently appeared to have been burned. Under " this was nothing but ſolid gravel. The ſtones had been pil d up in form " of a pyramid, and the diameter of the ground they covered was about " 6 or 7 yards, and the depth we ſunk, eſpecially in the center, ſomewhat " more than ſix."

Near to theſe Tumuli is a ſmall camp, with a ſingle trench; and at a ſmall diſtance upon another hill is another camp of about the ſame dimenſions.

On the right hand of the road, going towards Appleby, near Coupland beck bridge (as it is commonly called, but the name of it in the ancient evidences is *Coupman-beck*) hath been a round fortification or caſtle, the diameter whereof within the walls was 40 paces, and the thickneſs of the walls (including the rubbiſh) about ten yards. The ſtones of a red colour, and ſtrongly cemented with lime and ſand.

Over againſt the ſaid fortification, but nearer to the bridge, is a ſquare, which ſeems to have been the place where an hoſpital formerly ſtood. That ſuch hoſpital there was, appears from the partition made of the inheritance of the laſt Robert de Veteripont between his two daughters; for in the ſhare of Iſabella was, the *advowſon of the hoſpital of Coupmanbeck.* And in a deed without date of a moiety of the manor of Helton from Thomas to Andrew de Hellerton, one of the bounder marks is, from ſuch a place down to the *hoſpital of Coupmanbeck.*

IV. MANOR OF BURTON.

North from Coupland beck bridge, at the ſkirt of *Roman fell*, (as it is now called, not for any particular reaſon deducible from the time of the old Romans, for the ancient name of it was *Rutmanfell)* lies the hamlet of *Burton.* This, like many of the reſt, was heretofore in the hands of a family denominated from the place. We find ſeveral of the name *de Burton* in the reign of king Henry the third.

But ſoon after, it came into the name of *Helton*, probably by marriage of the heireſs of *Burton*; whoſe arms were, Argent, a bend wavy Sable.

In the 20 Ed. 1. by a deed dated at Burton, *William de Helton* granted certain lands at Ormeſhead to *Thomas de Helton:* Witneſſes whereof were, Henry de Threlkeld ſheriff of Weſtmorland, Henry de Warthecopp, Thomas de Warthecopp, Richard de Blenkinſop, Hugh de Ormeſheved, and others.

In the 8 Ed. 2. by the inquiſition *poſt mortem* of Robert de Clifford, it is found, that *William de Helton* held of the ſaid Robert on the day on which he died, the manor of Burton; the wardſhip whereof, when it ſhould happen, was worth 10*l* yearly, and the cornage 13*s* 4*d.*

In the 43 Ed. 3. *William de Helton* held the manor of Burton.

In the 50 Ed. 3. *William de Helton* ſerved in parliament as burgeſs for Appleby.

In the 2 Ric. 2. *John* ſon of *John de Hilton*, by a deed dated at Burton, made a ſettlement of certain lands and tenements, rents and ſervices, in the vills of Sandford and Hilton Bacon, upon *Agnes de Hilton* (his daughter, as it ſeemeth) and the heirs of her body, remainder to *Thomas* ſon of *John de Hilton* and the heirs of his body, with remainders over.

In the 15 Ric. 2. after the death of Roger de Clifford, the inquiſition finds, that *William de Hilton* and *Agnes* his wife held the manor of Burton, as of the right of the ſaid *Agnes*.—So that here it had gone off with the ſaid Agnes, married probably to one of the ſame family.

In the 12 Hen. 4. *John de Helton* repreſented the borough of Appleby in parliament.

In the 10 Hen. 5. after the death of John de Clifford, the inquiſition finds that *William de Helton* held the manor of Burton, by homage and fealty, and 13*s* 4*d* cornage.

In the 15 Hen. 6. *Robert Helton*, ſon and heir of *William Helton*, ſon and heir of *William Helton*, ſon and heir of *Thomas Helton*, brother and heir of *William Helton*, made a ſettlement of certain lands at Ormeſhead and Great Aſby.

In the 31 Hen. 6. *William de Helton* held the manor of Burton of Thomas de Clifford, by the like ſervices as before.

Next we come to a pedigree certified at Dugdale's viſitation in 1664. Which pedigree nevertheleſs, although it conſiſted only of 6 generations, ſeems (as moſt of the other Heraldic pedigrees, when compared with the inquiſitions *poſt mortem* and other authentic documents) to be very imperfect. However, the pedigree (ſuch as it is) runs thus:

1. *Chriſtopher Helton* of Burton eſquire, in the reign of Ed. 4. married Margaret daughter of Thomas Marſhall of Kirk Oſwald: And had iſſue,

2. *Richard Helton* of Burton eſquire; who married Iſabel daughter of John Barton of Ormeſhead eſquire: And had iſſue,

3. *Andrew Helton* of Burton eſquire; who married Alice daughter of John Aglionby of Carliſle; and by her had iſſue (1) *John*. (2) *Winifred*, married to Leonard Muſgrave of Johnby in Cumberland. (3) *Julian*, married to an Iriſh lord, and afterwards to a ſea captain.

4. *John Hilton* of Burton eſquire, ſon and heir of Andrew, married Mary daughter and coheir of Saxton of Byham hall in Eſſex; and died about the year 1630. He had iſſue, (1) *Cyprian*. (2) *George*, who married Jane daughter of Fletcher of Dovenby in Cumberland. (3) *Johan*, who died unmarried.

5. *Cyprian Hilton* of Burton eſquire, ſon and heir of John, married Frances daughter and ſole heir† of Sir Chriſtopher Pickering of Ormeſhead, and

† So ſays the pedigree; but ſhe was baſtard daughter of Sir Chriſtopher Pickering, who having no other child, and never having been married, gave to his ſaid daughter the manor of Ormeſhead. Her mother's name was Todhunter, Sir Chriſtopher's milkmaid at Threlkeld. The ſaid Frances was firſt married to John Dudley a lawyer, to whom ſhe had no iſſue. *(Flem.)*

with her had the manor of Ormeſhead. He died in 1649; and had iſſue, (1) *Chriſtopher*. (2) *John Hilton* of Stanemore, who married Iſabel daughter of John Farer of Warcop Tower. (3) *Andrew*, who died without iſſue. (4) *Mary*, married to William Farer of Warcop Tower.

6. *Chriſtopher Hilton* of Ormeſhead eſquire, ſon and heir of Cyprian, married Barbara daughter of Thomas Brathwaite of Warcop eſquire; and was of the age of 36 at the aforeſaid viſitation.—So far the pedigree.

But, intermediately, in the 18 Hen. 8. by an inquiſition of knights fees holden of Henry earl of Cumberland, it appears, that *Robert Hylton* then held the manor of Burton. And in the ſame year, by the will of Edward Hilton clerk, whereby he deviſed a cottage at Helton Bacon to charitable uſes, *Robert Hilton* of Burton and his heirs are made truſtees of that charity ‡.

In

‡ In the naym of God, Amen. In the zere off our lorde God MCCCCCXXVI, and in the xviiith zere of the reynge off our ſovereyn lord kynge Henry the viiith, the xxth day of February; I Edwarde Hilton clerke parſon off Beecheſdon in the counte of Oxfordeſhyre, hoyll of mynde, mayks my wyll under this manere: As concernynge the dyſpoſition of my cotage, meys, or tenement in Helton Baken in the counte of Weſtmerland, in whiche latly dwellede John Johnſon, and of and in all thyngs to the ſeyde cotage pertenynge or belongyng; Fyrſt, I wyll that John Pantre, Amoros Hilton, clerks, John Whelpdall of Penrethe in the counte of Comberlande, and Rychard Rygge off Lytyle Strykland in the counte of Weſtmerland, gentylmen, my ſcoffers whichy ſtands ſcoffede, poſſeſſede, and ſeaſede in my ſeyde cotage or tenement, with all thyngs theireto appertenynge or belongynge, for thys uſe, that they or anny off them ſhall provyde helpe, and they, their herrys or aſſygnes ſhall doo anny thynge expedient or neceſſary for fulfyllynge, obſervynge, or kepynge of this my wyll, at anny convenient tym they or anny of theym ſhal be requirede by the proveſt of the Qwen's college in Oxforde for the tyme beynge, or by his certayn aſſigne or aſſyngnes, at any tym herafter, or by the vicar of Warcope for the tym beyng, or his certayn aſſigne or aſſygnes. Morover, I will that the ſeide vicar off Warcope for the tym beyng, and on off the churchemen or churchewardens off Warcope, and an other churcheman or churchewarden off Burton, in the forſeide counte of Weſtmerland, as ſhall be thoght neceſſary or expedient by the ſeyde vycare, ſhal have the ſeyde cotage or tenement, and tak, reſeve, and perſeve zerly for evermor all rentts, profetts, revenys, or anny other thyngs to the ſeyde cotage or tenement appertenynge or belongynge, of my forſeyde feoffes their herers or aſſignes, or of the tenande or occupyer of the ſeyde cotage, to thys uſe and entent; that is to ſay, that the ſeyde vycare, churchemen or churchewardens ſo choſyng for the tym beyng, with the forſeyde rentts and profetts growyng and comyng of the ſeyde cotage or tenement, with anny thynge theirto pertenyng or belongyng, ſhall finde, obſerve and keppe an annyverſary or obite zerly for evermore the xv day of July, with Placebo and Dirige over evyne, and v maſſes to be ſonge or ſeyde the forſeyde xv day of July, one de quinque Vulneribus, another de Nativitate Johannis, another de Sancta Trinitate, another de Annunciatione beatæ Mariæ, with a collect, ſecret, and poſt communion at every maſſe ut in die annyverſario, and the hye maſſe of Requiem in die annyverſario to be ſonge or ſeyde in Seynt John's porche, at the alter of Seynt John within the paryſſyſhe churche of Seynt Combe of Warcope. Excepte the ſayd xv day of July fortune to falle off Sonday, then I wyll the ſeyde obite or annyverſary ſhall be kepedde within thre days after, as ſhall be thoght convenient by the ſeyde vycare for the tym beynge. In whyche obite or annyverſary the forſeyde vycare and pryſts ſhall pray ſpecially for the ſowlls off the ſayd Edward Hilton, hys father Chriſtopher Hilton, and hys mother Margaret wyff to the ſayde Chriſtopher, and for the ſowlls of hys bretheryne and ſiſters, hys fryndds and benefactors, and for the ſowlls of all the predeceſſors and ſucceſſors of the forſaid Chriſtopher Hilton, and for all cryſten ſowlls. Morover, I wyll that ſeyd rentts and profetts growyng or comyng of the ſeyde cotage or tenement, with anny thyng theirto pertenyng and belongynge, ſhall be diſtributte and dyſpoſede as herafter folowethe: The forſeyd vycar of Warcope beynge preſent to have viii^{d}, and every on of the other iiii pryſts to have vi^{d}, and to have

In the 19 Hen. 8. the ſaid Edward Hilton clerk granted to *Robert Hilton* of Burton eſquire and his heirs, a moiety of the manor of Helton Bacon.

In the 1 and 2 Ph. and M. upon an inquiſition of knights fees in Weſtmorland, it is found, that *Thomas Helton* then held the manor of Burton.

Accordingly, in Sir Daniel Fleming's pedigree of his family, he makes *Andrew*'s father *Thomas*, who married Anne Wharton of Kirkby Thore; and *Thomas*'s father *Robert*, who married a Hartley: Which ſeems to agree with theſe inquiſitions. And in the 29 Hen. 8. there is a releaſe from Iſabella Hylton, widow of *Richard Hylton* of Burton, to *Thomas Hylton* gentleman ſon and heir of the late *Robert Hylton* of Burton gentleman, of her right in certain lands deſcended to her from her brother Robert Barton of Ormeſhead gentleman. So that it ſeemeth, that *Robert* and *Thomas* ſhould have come in (and ſo the chronology ſeems to require) after *Chriſtopher* at N°. 1. and that *Richard* at N°. 2. was not of the direct line, but came in by ſpecial agreement.

The aforeſaid *Chriſtopher Hilton*, at N°. 6. in the pedigree, had a ſon and heir,

7. *Cyprian Hilton* of Ormeſhead eſquire; who married Abigail only child of Hugh Wharton eſquire of a younger branch of the family of Wharton of Wharton-hall.

In 1684, the ſaid Cyprian and Abigail his wife infranchiſed divers cuſtomary tenements in Hilton Bacon.

He died in 1693, leaving the ſaid Abigail his widow, and nine children, viz. *Chriſtopher*, *George*, *Margaret*, *Barbara*, *Hugh*, *Elizabeth*, *Mary*, *Abigail*, and *John*. Which *John* had ſeveral ſons, who died young; and 7 daughters, the eldeſt of whom, Mary, was married to Daniel Robinſon eſquire, now ſheriff of the ſaid county (unto whoſe learning and critical knowledge in antiquities we have been much obliged in our inveſtigations in this part of the

have to drynke ymonge theym viii^{d}; alſo the paryſhe clerke to have for ſyngyng and miniſteryng at the alters and helpyng at maſſes ii^{d}, and to ather churcheman or churchewarden, on of Warcoppe and another of Burton, beyng preſent at the ſeyd maſſes ii^{d}; and to v chyldrynge helpyng at the ſeyd maſſes v^{d}; and to v poyr neydfull pepyll v^{d}; and for breyd and hale to be ſpent within the forſeyd porche of Seynte John, after the Dirige, v^{d}. And alſo I wyll that v^{d} be offerydde, that is to ſay, after the Offertory of every maſs i^{d}. And alſo to the ſeyde vycar or his curete to pray for the ſowlls before reherſyde upon Sondays iiii^{d}, and v^{d} for v tapers to ſtande uppon the herſe in tym of Dirige and maſſes. The recedew of the ſeyde rentts or profetts comyng of the ſeide cotage or tenement to be gevyng and diſtribute to poyr and neydfull pepyll of the forſeyde paryſhe of Warcoppe. Alſo I wyll that thys my preſent wyll be regeſtraytt in the regeſture of my lord buſſhape off Karlyll for thentent that iff anny herafter ſhuld lett or hynder this my wyll, that they ſo lettyng or hyndryng ſhall be called afor my ſayd lorde or his officers, and they ſo lettyng or hyndryng to be chargyt by my ſeyde lorde or his officers by corporal hothe or other cenſurs off churche, that they ſhall not from thensforthe lett or hynder this my preſent wyll, nor wythedraw anny dewte to the forſeyde cotage or tenement pertenyng or belongyng; and in caſe their be any dewty wythedrawn, that they ſhall reſtore it agane under the payn of curſyng, or off other cenſurs off the churche. And for thentent that thys my wyll may be better obſervede and kepyde, I mayk Robert Hilton off Burton in Weſtmerland and his heirs for evermore to be ſupervifors and overſeers that thys my wyll be well and trewly obſervyde and kepede in tym to com, accordynge as is above expreſede. In witneſſe whereoff, &c.

county),

county), and hath iſſue Mary, Janet, John, Anne, Elizabeth, Chriſtopher, and Anthony.

8. *Chriſtopher Hilton* eſquire, ſon and heir of Cyprian, married Mary daughter of John Patteſon of Penrith gentleman; and had iſſue Cyprian, Mary, and Abigail. Of whom, Cyprian and Abigail died in their infancy.

9. *Mary Hilton*, daughter and ſole heir of Chriſtopher, was married to *Thomas Wybergh* of Clifton eſquire, and had iſſue 22 children; of whom, the eldeſt ſurviving ſon *William*, dying in 1757, left iſſue a ſon and heir *Thomas Wybergh* eſquire, now lord of the manor of Burton.

The arms of Hilton are; Sable, 2 ſaltiers in chief, and 3 annulets, 2 and 1, Argent. The creſt, On a wreath, a demigriffin.

At this place was born *Chriſtopher Bainbridge*, educated at Queen's college in Oxford, afterwards dean of York, biſhop of Durham, and at length archbiſhop of York. He was ſent ambaſſador to Rome by king Hen. 8. where he acquitted himſelf ſo much to the pope's ſatisfaction, that he created him cardinal of St. Praxis; but he did not long enjoy this honour, for quarrelling with his ſteward Rivaldus de Monena an Italian, and caning him for his faults, the revengeful Italian poiſoned him, and he died at Rome July 14, 1511, and was there interred.

V. MANOR OF BLEATARN.

South from Warcop, on the oppoſite ſide of the river Eden, is the village of *Bleatarn*; ſo denominated from the *tarn* and marſhy ground thereabouts.

This manor was granted to the abbot and convent of Byland in Yorkſhire of the Ciſtertian order, in the reign of king Henry the ſecond. And there are divers charters yet extant, granted in the ſame king's reign (as appears from the names of ſeveral of the witneſſes) with the ſeals very compleat and perfect, now in the poſſeſſion of Mr. James Richardſon of Birks within the ſaid manor, whereby divers lands at Warcop and Bleatarn are granted and confirmed to the ſaid abbey.

The firſt is by *John Taillebois*, of all his lands which Robert ſon of Torphin had given to him and his heirs, on the weſt ſide of the river Eden. Witneſſes whereof are, *Robert archdeacon of Carliſle*, *Murdach dean (rural, of Weſtmorland)*, *Henry chaplain of the archdeacon*, *Robert chaplain of Appleby*, *Umfrey Malus-catulus*, *Michael de Hardcle*, and others.

The ſecond is by *Torphin* ſon of *Robert*, of a moiety of the lands at Warcop on the weſt ſide of the river Eden, comprehended within the boundaries therein particularly ſpecified †.

The

† Eboracenſi archiepiſcopo et toti capitulo ſancti Petri, et omnibus ſanctæ eccleſiæ filiis, Torphinus filius Roberti, ſalutem. Sciatis me dediſſe, et hac mea charta confirmaſſe, Deo et monachis ſanctæ

The third is, by *Walleve de Bereford*, of the fourth part of the other moiety, deſcribing the very ſame boundaries.

The fourth is, by *Thorphin* ſon of *Robert*, and *Robert* his brother; being a confirmation of grants made to the ſaid abbey by *Walleve de Bereford*, *Robert* ſon of *Thorphin*, *John Tailebois*, and *Richard* ſon of *Ketel*. Witneſſes whereof were, *William* ſon of *William*, *Thomas de Hellebeck*, *Robert*, ſon of *Peter*, *Conan de Aſc*, *William* ſon of *Robert de Aſcabi*, *Gilbert* and *Adam* his brothers, *Richard Engliſh*, *William* his ſon, *Robert de Helton*, *Richard* ſon of *Maud*, *Gilbert* his ſon, *Robert* ſon of *Copſy*, and *John* his brother.

About which time we meet with the record abovementioned, of a cauſe depending in the county court at Appleby, between the aforeſaid *Thorphin* ſon of *Robert* and the monks of Byland of the one part, and Robert ſon of Peter Muſegrave and his tenants of the other part, concerning common of paſture between Blatarne and Muſgrave. And the ſame was compromiſed in the court there, and it was ſettled, that there ſhall remain to Robert ſon of Peter 82 acres, *viz.* from the thorn, upon Hoberghe, acroſs the ſike under Maureberghe, to the way towards Muſegrave; and from the ſaid thorn the whole ſhall remain to the monks towards the Grange, and to the way nigh the chapel, and the cattle of Robert ſhall never enter within theſe boundaries, nor the cattle of the monks within the property of Robert. Alſo Robert ſhall have one outgate for the cattle of Muſegrave upon Maureberghe, between the culture of the monks and the vale under Hoberghe, and from thence to the Tarn, and from thence to the way upon Creſſekeld which goes towards Appleby, and to the place where four ways meet, and from thence to the head of the Tarn. All this ſhall be in common paſture for the cattle of Muſegrave and the cattle of the monks. But the monks ſhall plow the culture nigh the mill dam unto the Tarn, and ſhall have their culture upon Mureberghe, and the meadow in property, as they had before this compoſition, and ſhall plow nothing more there; and the cattle of Muſegrave therein ſhall never enter. And Thorphin and Robert were ſworn *coram provincialibus*, that is, in open

ſanctæ Mariæ de Bellalanda, in perpetuam eleemoſynam dimidium terræ illius de Wardecop, quæ comprehenditur per has diviſas ab occidentali parte Edenæ: Scilicet, ſicut vadit ſiic ille qui deſcendit de Faldebergha, et tranſit per medium Skermund, et intrat in Ederam; et inde ſicut Edena currit uſque ad vetus foſſatum quod eſt diviſa inter Ormeſheved et Wardecop; et inde ſicut ipſum foſſatum aſcendit et vadit ultra Thurgarberch, et deſcendit in Hornegile; et ſic ſurſum per Wulveſdale beck uſque ex adverſo diviſarum quas oſtendi monachis a Wulveſdale beck verſus orientem uſque ad Creſſekeldas; et a Creſſekeldis ſicut rivulus ipſe currit a Creſſekeldis et cadit in rivulum qui venit de Blaterna; et inde ſurſum contra ipſum rivulum uſque ad propinquiorem vallem quæ eſt ab occidente de Faldebergha; et inde per fundum vallis ejuſdem uſque ad prædictum ſiic de Skermund. Dimidium ergo totius terræ quæ infra has diviſas continetur dedi et confirmavi Deo et ſanctæ Mariæ et prædictis monachis in perpetuam eleemoſynam, propriam, liberam, ſolutam, et quietam ab omni terreno ſervicio et exactione ſeculari, pro ſalute animæ meæ et patris et matris meæ et omnium meorum. Ego quoque coram capitulo ſancti Petri Eboraci hanc donationem confirmavi, et affidavi quod hanc terram, quam eis dedi in perpetuam eleemoſynam, liberam de me et de hæredibus meis fideliter tenebunt, et warrantizabo contra omnes homines ego et hæredes mei. Hiis teſtibus, Roberto decano Eboracenſi, Johanne filio Letholdi, Bartholomeo archidiacono et toto capitulo ſancti Petri quorum nomina ex altera parte chartæ deſcripta ſunt, Muridaco decano Weſtmerland, Roberto filio Willielmi de Kirkebi, Thoma de Colevilla, Gaufrido de Daivilla, Roberto clerico de Manefeld, et aliis multis qui ex altera parte deſcripti ſunt.

court,

court, that they and their heirs would obſerve this agreement. And if the cattle of either of them ſhould treſpaſs beyond their limits, they were to pay to the party injured one penny for 20 cattle according to the cuſtom of the country. Witneſſes whereof were, *William Fitz-Hugh* ſheriff, *Murdach* the dean, *Thomas de Hellebec*, *Thomas ſon of Goſpatric*, *Robert de Kabergh*, *John Taillebois*, *Conan de Aſke*, *William de Aſkeby*, *Richard Engliſh*, *Henry de Cundale*, *Stephen de Tornaby*, *Roger Winkenel*, *Robert* ſon of *Richard*, *William de Lathes*, *Thomas* his brother, *Hubert Clerk*, *Michael de Harclay*, *Walter* his ſon, and other good men †.

There is alſo another charter, which from the names of the witneſſes appears to have been in the reign of Hen. 3. whereby *Thomas de Fenton*, ſon and heir of *Richard de Fenton*, confirms to the ſaid abbey one carucate of land in Warcop called *Plowlande*, which *Richard* ſon of *Ketel* gave to the ſaid abbey: Witneſſes whereof were, *Ralph de Daker*, *Thomas de Muſegrave*, *Richard de Geringes* then ſheriff of Weſtmorland, *Thomas de Helebeck*, and *Robert de Aſkeby*, knights; *William de Wardcop*, *Geoffrey de Melkinthorp*, *John de Hormeſheved*, *Robert de Hormeſheved*, and *John de Helton*.

And there is an incloſure at Plowlands which ſtill bears the name of Chapel mire.

The abbey of Byland was ſurrendered to the crown in the 30 Hen. 8. by John Leedys, alias John Allenbrig; and in the 38 Hen. 8. Nov. 4, the king for the conſideration of 2100*l* 11*s* 0*d* granted to *Margaret Symſon* widow, *Anthony Bellaſis* clerk, and *William Bellaſis* eſquire (amongſt other particulars) the demeſne and manor of Blaterne, and all the lands there called Hornegill garthes, formerly in the tenure of *Henry* earl of *Cumberland*, and late in the tenure of *Richard Bellaſis* deceaſed, former huſband of the ſaid *Margaret* and father of the ſaid *William*, and then in the tenure of the ſaid *Margaret* as executrix in truſt for the ſaid *William* her ſon. This *Richard* was ſteward of the ſaid manor to the ſaid abbot and convent, and before the ſurrender obtained a grant of the ſame for 61 years. On *Margaret*'s death, it ſurvived to *Anthony* and *William*; and on *Anthony*'s death without iſſue, the whole came to the ſaid *William*, who was ſucceeded by his ſon Sir *William Bellaſis* knight, father of *Brian Bellaſis* eſquire, father of Sir *William Bellaſis* knight, father of *Richard Bellaſis* eſquire, who had a ſon *William Bellaſis* eſquire, who in the 22 Cha. 2. ſold the manor to *Nicholas Salvin* of Croxdale in the county of Durham gentleman, who in the 25 Cha. 2. ſold the ſame to *George Fothergill* of Tarnhouſe in Ravenſtondale gentleman; which *George Fothergill* ſold the ſame to Sir *Chriſtopher Muſgrave* of Hartley caſtle baronet, anceſtor of the preſent owner Sir *Philip Muſgrave* baronet.

In the 44 Eliz. there was a ſuit in the court of York for the Northern parts, between *John Pulleine* of Scotton in the county of York plaintiff, and the tenants of Blaterne defendants; of the record of which cauſe the aforeſaid Mr. James Richardſon hath an exemplified copy: By which it appears, that in civil cauſes that court did not much differ in the form and manner of proceed-

† From a copy taken by Mr. George Fothergill of Tarn houſe.

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ing from the high court of chancery. The addreſs is, " To the Queen's " moſt excellent majeſty, and her honourable counſel eſtabliſhed in the north " parts." The plaintiff in his bill ſets forth, that Richard Bellaſſes of Morton in the county of Durham eſquire, then lately deceaſed, had granted to him the plaintiff a leaſe of a moiety of the manor of Blaterne, for the term of 40 years, if he the plaintiff ſhould ſo long live: That the tenants hold their tenements to them and their heirs, according to the cuſtom of tenant-right uſed and allowed within the ſaid manor, by paying to the lord thereof certain yearly rents; and by doing her majeſty's ſervice upon the borders of England anenſt Scotland, when and as often as they ſhall be thereunto required by the lord warden of the weſt marches: And that every tenant, by cuſtom of the ſaid manor, ought to pay a reaſonable fine and greſſom, on the change or alteration of lord or tenant: That the plaintiff had demanded a reaſonable fine arbitrable according to the moiety of their ſeveral rents, after the rate of 7 years fine according to the quantity of their rents; and that the defendants had refuſed to pay the ſame. The tenants anſwer, as to the fines, that they had no ſuch cuſtom; but that on the death of the lord or tenant, they were to pay a god's-penny only, and nothing on change of lord by alienation or leaſe. Unto which there is a replication, and rejoinder, and an examination of witneſſes upon interrogatories. And finally, upon examination and deliberate hearing of the cauſe, in the preſence of learned counſel on both ſides, it is ordered by the court (in reſpect that the witneſſes were ſo contrary and repugnant one to another, that the court could not conveniently determine concerning the cuſtom), that the cauſe be referred to be tried by the due courſe of the common law, and not to be returned hither and heard in this court hereafter in equity, becauſe the tenants refuſe to abide the arbitrary † order of this court, or of any other indifferent commiſſioners to whom the court would have referred it, but the defendants obſtinately and wilfully affirmed in open court, that they would be ordered no otherwiſe than by her majeſty's laws. And the court order the manner in which the cauſe ſhall be brought to iſſue at the common law. Nevertheleſs, the right honourable Philip lord Wharton is required by this honourable court, to call the plaintiff and defendants before his lordſhip, and to end the matter arbitrarily betwixt them if he can; and if his lordſhip cannot conveniently ſo do, then the parties may proceed at the common law as aforeſaid. But Mr. Pullein dropt the ſuit, and nothing farther was done.

But in the 18 Cha. 2. there was a ſuit at law between the laſt *William Bellaſis* aforeſaid and the tenants, concerning the fines; which by the recommendation of Sir Chriſtopher Turner judge of aſſize was referred to the arbitration of Sir John Lowther; who awarded, that they ſhould pay a ſeven-penny fine, on change of lord by death, and on change of tenant by death or alienation: That in caſe of a widow, the fine for that part which ſhe holds (viz. a

† That is, by way of arbitration.

moiety) ſhall not be paid till her death, marriage, or miſcarriage. And by conſent the ſame was decreed in the court of chancery accordingly.

The ſaid abbey had a cell of monks here at Bleatarn. Their buildings appear to have covered a pretty large parcel of ground.

About 30 years ago, in digging amongſt the rubbiſh, was found an arched vault, ſuppoſed by the workmen to have been an oven, out of which they took more than 40 cart loads of ſtones.

About 2 years ago, in a ſmall brook, which hath waſhed or run near to the walls of the abbey, were found the ſide poſts and part of a ſluice or lock, which ſeems to have been placed there for laying under water four or five acres of ground above the ſame; which parcel of ground yet goes by the name of the Tarn, and a large field thereto adjoining is called Tarn Moor.

At a ſmall diſtance eaſt from the abbey, are the veſtiges of two large fiſh ponds; near to which, about 60 years ago, were dug up ſeveral pieces of leaden pipes, ſuppoſed to have been for conveying water to the ſaid fiſh-ponds.

A little ſouth-eaſtward from the ſaid ponds, is a large parcel of ground, now common, which appears to have been incloſed with an high earthen fence and a ditch on each ſide, part of which fence yet remains; and the ſame goes by the name of the Abbey park.

ADDENDA.

ADDENDA.

VOL I.

Page 66. *Kendal cottons.*

AS a ſpecimen of the large trade carried on in Kendal cottons, it appears from the cuſtom-houſe books at Liverpool, that in one year, viz. 1770, there were exported to America from that port only between three and four thouſand pieces; namely,

To Barbadoes	—	120 pieces
Dominique	—	30
Jamaica	—	810
St. Kitts	—	40
Newfoundland		194
New York	—	80
Virginia and Maryland		2693

Carolina 640 yards; which may be about 40 pieces more. So that the total will be 3500 pieces and upwards exported from this port only in one year.

Page 73. *Kendal Bells.*

In the year 1774, theſe bells were altered from a peal of ſix to eight. The firſt, ſecond, third, and ſixth were new caſt; the ſixth having been burſt, and not having been quite tunable with the reſt. The fourth and fifth of the old ſet remain as they were, and are the ſeventh and eighth of the preſent peal. One of theſe bells is ſaid to have been brought from the abbey of Shap; which, if any, was probably this ſixth: not only from its being diſproportioned in ſound from the reſt; but from the inſcription on the fourth old bell, which imports that the third, fourth, and fifth were repaired or recaſt by the pariſh, but ſaith nothing of the ſixth.

The inſcriptions on the ſeveral bells, in their order as ranged at preſent, are as follows:

1. Our voices ſhall with joyful ſound
Make hills and vallies eccho round.

2. Such wond'rous power to muſic's given,
As elevates the ſoul to heaven.

3. While thus we join in chearful ſound,
May love and loyalty abound.

4. Ye ringers all that prize your health and happineſs,
Be ſober, merry, wiſe, and you'll the ſame poſſeſs.

5. In wedlock bands,
All ye who join with hands,
Your hearts unite;
So ſhall our tuneful tongues combine
To laud the nuptial rite.

6. On the ſixth bell is the following memorative inſcription:
In the year 1774, theſe bells were re-caſt from a peal of ſix to eight, by the direction of
Thomas Strickland } Aldermen.
Thomas Scariſbrick }
John Wilſon, M. A.
Brian Wilſon
William Strickland
James Wilſon of Lambrigg, And
Henry Shepherd of Patton. A committee appointed by the pariſh veſtry.
Thomas Symmonds, D. D. vicar.

7. (Which was the fourth in the old peal.)
Has tres campanas
Jam tota Parœcia ſanas
Reddidit, ut quarta
eſt tertia quinta ſimul.
Third, fourth, and fifth, and all may toll,
O'th' pariſh charge without controul.

8. (Which was the fifth in the old peal.)
Me ſonus nolæ memorem tubæ facit.

Their weight is,

		Cwt.	Qs.	lb.
1ſt.	—	8	0	4
2d.	—	8	1	20
3d.	—	9	1	0
4th.	—	10	2	11
5th.	—	14	0	15
6th.	—	15	3	0
7th.	—	19	3	9
8th.	—	25	0	15

Page 74. *Kendal chantries.*

In the year 1553, the following penſions were paid to thoſe that had been the incumbents of chantries:

	l	*s*	*d.*
St. Mary's chantry to Adam Sheparde incumbent —	3	6	8
St. Anthony's chantry to Robert Baſe — —	3	4	4
St. Chriſtopher's chantry to John Garret —	2	14	7
St. Thomas Becket's Altar chantry to Alan Sheparde —	4	13	4
St. Leonard, alias le Spittle, chantry to Geffry Baynebridge	4	4	0

Page 75. *Docwra hall.*

Docwra hall had its name from a reſpectable family that reſided at the ſame a long time, but which now ſeems to be totally extinct. At Lilly Hoo in Hertfordſhire is the following monumental inſcription, on the north ſide of the chancel:

" M. S.
" Beati mortui qui in Domino moriuntur.
" Here lieth the body of *Thomas Docwra* the elder eſquire, lord of this " town and patron of this church, deſcended of the ancient family of " the *Docwras* of *Docwra Hall* in Kendal in the county of Weſtmorland, " nephew and heir unto the right honourable Sir *Thomas Docwra* lord " grand prior of the knights of St. John of Jeruſalem. He had to " wife Mildred Hales of an ancient family in Kent, a grave and virtuous " matron, with whom he lived 52 years, having been juſtice of the " peace 40 years, and high ſheriff of the ſhire Anno 23 Eliz. beloved " and reverenced for his gravity, wiſdom, piety, juſtice, and hoſpitality; " he died in his houſe at Putteridge by him built, in the 84th year of " his age, Anno Dom. 1602, leaving four ſons and two daughters."

Page

Page 83. *Kendal charities.*

Henry Wilkinſon of Kendal clerk, in 1598, deviſed his houſes to be ſold, and the money to be put out at intereſt, and the produce thereof diſtributed in the churchyard by the churchwardens on the ſecond of February yearly to the poor of the town of Kendal.

Nicholas Bateman, gentleman, gave 10*l*; to be lent out yearly to ſome young tradeſman without intereſt, except only that he ſhall pay for the ſame 3*s* 4*d* to the uſe of the church and for writing the bond.

Chriſtopher Woodburne of Kendal, in 1723, gave by his will 8*l* yearly, to put out four poor boys apprentices, the ſame to be paid to the maſter on their binding; and alſo 10*s* to each to find them ſhirts and cravats.

Page 108. *Old Hutton Chapel.*

On the north-eaſt ſide thereof is the following inſcription:

Twelve loaves each Sunday in this houſe are given,
Twelve for to feed: Praiſe they the Lord of Heaven.

Ex dono Thomæ Robinſon, integerrimi viri,
Pauperibus et capellæ hujus maxime munifici,
Roberto grandævo et benigno patre nati,
Cujus vita ſine macula, ſine labe peracta,
Non quiſquam pietate prior, nec amantior æqui.
1706.

Page 127. *Brathwaites of Burneſhead.*

In the pariſh church of Catterick in Yorkſhire, is the following epitaph of *Richard Brathwaite* of Burneſhead eſquire, and of Mary his ſecond wife daughter of Roger Croft; by which it appears that Sir *Strafford Brathwaite* their ſon, who was killed in an engagement with an Algerine man of war, was buried at Tangier.

Juxta ſitæ ſunt
Ricardi Brathwait
de Burneſhead in comitatu
Weſtmorlandiæ armigeri, et
Mariæ ejus conjugis reliquiæ.
Ille quarto die Maii Anno 1673
denatus eſt: Hæc undecimo Aprilis 1681
ſupremum diem obiit. Horum filius
unicus, Strafford Brathwait eques

auratus

auratus, adverſus Mauros chriſtiani
nominis hoſtes infeſtiſſimos fortiter
dimicans, occubuit: Cujus cineres
Tingi in Mauritania Tingitana
humantur.
Requieſcant in pace.

Page 129. *Burneſhead chapel.*

After the death of the reverend William Smith curate of Burneſhead in the year 1776, the appointment of a curate to the chapel was conteſted, not by the vicar againſt the chapelry, but by the people amongſt themſelves. The owners of meſſuages, lands, and tenements within the chapelry, charged with, or chargeable to the payment of chapel ſalary, aſſerted the right of electing a curate to be in themſelves. The tenants of ſuch of the ſaid meſſuages, lands, and tenements as were let to farm, claimed a right of voting, by virtue of their actual paying ſuch ſalary ſo charged upon the eſtates demiſed to them. Each party had a majority in their own way. The land owners preſented to the vicar their candidate the reverend William Barton to be by the ſaid vicar nominated to the biſhop in order to obtain his lordſhip's licence, who did thereupon nominate him accordingly. The tenants preſented to the biſhop their candidate the reverend John Jackſon, ſetting forth their claim, and praying him to be admitted. Four caveats were entred at Cheſter; and the parties (according to cuſtom in like caſes) became violent and exaſperated. The biſhop, in order to get rid of the caveats with as little trouble to himſelf as might be, and to ſave charges to the parties, intimated, that if no ſuit ſhould be commenced within the ſix months, ſo as that the curacy ſhould fall in lapſe, he would licenſe the ſaid Mr. Barton. Upon this the land-owners acquieſced. And upon the lapſe, Mr. Barton was licenſed accordingly.—Upon the merits, it doth not ſeem that there could have been any doubt as to the legality. For whatever right of election the land-owners may claim by cuſtom againſt the vicar, there is no ſuch cuſtom for the tenants or farmers againſt their landlords.

By the improvement of the rents of lands, it is ſaid that this curacy is now worth 70*l* a year.

Page 132. *Stricklands.*

Richard Newby of Strickland Roger, by his will in 1616, gave 40*l*: The intereſt of 10*l* thereof to be diſtributed yearly to the poor of Grayrigg; the intereſt of other 10*l* thereof to the poor of Lambrigg; the intereſt of 6*l* 13*s* 4*d* thereof to the poor of Docker: and of 13*l* 6*s* 8*d* (being the reſidue of the ſaid 40*l*) to the poor of Strickland Roger and Strickland Ketel.

Page 164. *Fleming.*

There is a ſmall miſtake in ſtyling Sir Daniel Fleming *baronet.* He was only *knight.* His ſon Sir William Fleming was the firſt baronet of the family, being ſo created in the year 1704, with remainder to the iſſue male of his body, and in defect thereof to the iſſue male of his father Sir Daniel Fleming.

Page 179. *Undermilbeck.*

Anthony Garnet of the Barkerknott in Undermilbeck, who died in the year 1774, gave by his will a legacy of 60*l* to the overſeers of the poor of Undermilbeck, in truſt to place the ſame out at intereſt, and the produce ariſing therefrom to be by them laid out in bread, a part or portion whereof is to be diſtributed by them every Sunday amongſt the poor of Undermilbeck who attend divine ſervice.

Page 185. *Windermere water.*

This lake, with regard to the fiſheries, is at preſent divided into three *cubbles* (as the people call them, which in Mr. Machel's time were called *cables*; but from what foundation either of the words is derived we have not found). The firſt cubble or diviſion, being the high end of the lake, contains one fiſhing. The ſecond cubble or diviſion, being the middle part of the lake, contains five fiſhings. The third cubble or diviſion, being the low end of the lake, contains ſix fiſhings.

In the year 1774, the houſe called Holme-houſe in the middle of the great iſland in this lake was demoliſhed, in order to be rebuilt and enlarged; in the place whereof, a very curious edifice hath been erected by Mr. Engliſh the preſent owner: which having attracted the attention of travellers and other viſitants of the lake, it is thought proper here to give ſome account thereof.—The building is a perfect circle fifty-four feet in diameter. The roof thereof is a dome, ſlated with fine blue ſlate got in the neighbourhood. The walls of this building are built of a blue flint ſtone, which came from a place called Hacklerigg, the property of Dr. Atkinſon. The ſtones which are raiſed from the quarry are very large. There are ſeveral ſtones in the building which are twenty-two feet in length, and a great number fifteen feet. The building is four ſtories high, excluſive of the garrets, which are in the roof, which is ſomewhat remarkable it being a dome: the ſaid garrets are lighted from the roof, but it doth not in the leaſt affect the outline of the building. The principal rooms are lighted by Venetian windows, and

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are ſo placed as to have a view on each end of the lake. The principal entrance is under a portico ſupported by ſix columns and two pilaſters ſix foot in height excluſive of the baſe and capital. The columns ſtand on pedeſtals ſix foot in height, and continue all round the building; which form the area for the lower part of the building, which is nine foot below the ſurface of the ground, and contains the kitchens, brewhouſe, ſervants hall, cellars, and other offices. The aſcent into the above-mentioned entrance is by two flights of circular ſteps as high as the pedeſtal, where there is a large landing before the hall door. The whole building is intended to be very elegantly finiſhed, with mahogany doors, window-frames and every other article ſuitable thereto. The pedeſtal part ſtands upon a ſquare plan, and the proprietor propoſes planting different kinds of trees in clumps, at a certain diſtance from each angle, which will form four viſtas from the building. The height from the ground floor to the cieling is ſixteen feet. From the ſecond floor to the cieling, fourteen feet and ſix inches in height. From the third floor to the cieling, ten feet in height. From the fourth floor to the cieling, eight feet and ſix inches in height. The principal rooms are ſeventeen feet ſix by twenty-two feet, and continue the ſame from the ground floor to the top of the building.—In cutting a large drain on the weſt part of the building, which is to take away the waſh from different parts the building to the lake, were found ſeveral pieces of lead and old iron, and a great number of old bricks. About ſix feet deep in the earth, they dug through ſeveral old drains. And a chimney was found in its perfect ſtate. They found at the ſame time ſeveral pieces of old armour. In levelling the ground on the north part of the building, they dug through a beautiful pavement, curiouſly paved with pebbles of a ſmall kind. They alſo dug through ſeveral curious gravel walks.

Page 204. *Redmans of Over Lewins.*

Of this family, moſt probably was *Richard Redman*, D. D. perhaps a younger brother of *Matthew Redman* (ſon of *Richard)* who was knight of the ſhire in the 20th Hen. 6. This Dr. Redman was zealous in the intereſt of the houſe of York, whereupon he was promoted by king Edward the fourth to the ſee of St. Aſaph in the year 1468. In 1471, he was made abbot of Shap. In the reign of king Henry the ſeventh, he became intangled in the affair of Lambert Symnel, and on that account incurred the king's diſpleaſure, and by him was complained of to the pope; who by a bull, dated Jan. 9, 1487, commiſſioned the archbiſhop, with the biſhops of Wincheſter, Ely, and Exeter, to inquire into that matter, and to tranſmit the reſult of it to Rome. It is ſuppoſed that he acquitted himſelf to the king's ſatisfaction, as he was in 1492 appointed by him one of the commiſſioners to treat of peace with the Scots, and in the year after was made one of his privy council. In 1495, he was promoted to the ſee of Exeter; and in 1501, was tranſlated to Ely; which promotion having enjoyed not full four years, he died Aug. 4, 1505, at

Ely Houſe in Holborn, and was burried in his own cathedral church of Ely, where a ſumptuous monument is erected to his memory. By his laſt will he gave conſiderably to his old monaſtery of Shap, ſeveral legacies to all the religious houſes in the dioceſe of Ely, 100 marks to the cathedral, and the like ſum to be diſtributed to the poor on the day of his burial.

Page 205. *Bellinghams of Helſington and Over Levins.*

In the pariſh church of Catterick in Yorkſhire, is the following epitaph of *Grace* daughter of *Alan Bellingham:*

" Gracia, Belingamii filia, vidua Cliburni, Gerardi Lowtherii uxor,
" lectiſſima fœmina, ſummæ pietatis, invictæ patientiæ, charitatis
" in pauperes maximæ, verborum parcior, eximiæ prudentiæ, ſin-
" gularis in maritos obſequii, mortis adeo memor, ut ſeptem hujus
" peregrinationis ſuæ annis nunquam proficiſceret, quin linteum
" ſepulchrale circumferret. Obdormivit in Domino, Anno Ætatis
" ſuæ 36. 1594."

Page 224. *Betham.*

It hath appeared, that our conjecture was right, concerning the manor of Betham not having been forfeited by Sir Thomas Betham in conſequence of the battle of Boſworth field. For it continued in the family by a female heir a long time after that, and did not come into the Derby family until the reign of king Charles the ſecond. And the ſucceſſion of that ancient family of Betham, which we often find mentioned in the occurrences of thoſe times, ſo far as we have been able to recover the ſame, hath been as follows:

I. The firſt that we meet with was RALPH DE BETHAM, who was witneſs to the foundation charter of Cockerſand abbey. This Ralph, for the health of his ſoul, and the ſoul of his wife Ingaretha, gave a ſalt work, with two patellæ, in Betham, to the abbey of Furneſs, in the reign of king Hen. 2.

II. THOMAS DE BETHAM, ſon and heir of Ralph, married Amuria, one of the four daughters and coheirs of Richard Fitz-Roger lord of Wood Plumpton in Lancaſhire, by his wife Margaret daughter and heir of Dunſtan Baniſter; by whom he had two ſons, *Ralph* and *Roger*. *Ralph* the elder, in the 17th year of king John, (amongſt other ſons or daughters and heirs of divers meſne lords holding under the barons of Kendal) was delivered as an hoſtage to the ſaid king, for the future fidelity of Gilbert ſon of Roger Fitz-Reinfred and of William his ſon, who had joined with the rebellious barons. The ſaid Thomas appears to have been living in the 26 Hen. 3. being in that year a witneſs, amongſt others, to a grant of lands by Sir John Fleming of Beckermet.

III. The

III. The ſaid RALPH DE BETHAM, elder ſon of Thomas, ſucceeded his father; and by his wife Felicia had a ſon and heir, viz.

IV. THOMAS DE BETHAM, who was knight of the ſhire for Weſtmorland in the 30 Ed. 1. and again in the 2, 4th, and 5th of Ed. 2. In the fourth year of the ſame king Ed. 2. he obtained a charter for a market and fair in Betham. His wife's name was Emma, who ſurvived him; for in the 7 Ed. 3. Joan wife of John le Tours lord of Lowick, and daughter of Sir John le Fleming, had ſettled on her the reverſion of what Emma de Betham then held in dower. By his ſaid wife Emma, he had iſſue a ſon *Robert*, and two daughters *Eleanor* and *Helwiſe*.

V. Sir ROBERT DE BETHAM knight, ſon and heir of Thomas, had, by Maud his wife, a ſon and heir, viz.

VI. THOMAS DE BETHAM, who married Parnel daughter of Sir Robert de Burton knight, and ſiſter and at length ſole heir to Anthony de Burton lord of the manor of Burton, who died without iſſue. By his ſaid wife Parnel, he had iſſue *Ralph*, *Thomas*, and *Robert*.

VII. Sir RALPH DE BETHAM, knight, ſon and heir of Thomas, in the 8 Ed. 3. had a grant of free warren in Betham. In the 20 Ed. 3. writs were directed to Ralph de Betham, together with Thomas de Roſs of Kendal caſtle, to ſend their priſoners from their caſtles to the tower of London. In the 49 Ed. 3. Ralph de Betham knight held of Joan de Coupland the manor of Burton with the appurtenances, by homage and fealty and the ſervice of 32*s* yearly, as of her manor of Kirkby in Kendale. The ſaid Ralph de Betham, by Alice his wife, had iſſue,

VIII. ROBERT DE BETHAM, father of,

IX. JOHN DE BETHAM; who in the 8 Hen. 4. repreſented the county of Weſtmorland in parliament. He married Margaret ſiſter of Sir William Tunſtal knight, and by her had iſſue,

X. Sir THOMAS DE BETHAM knight, to whom, in the 3 Hen. 5. a commiſſion of array was iſſued and directed, to muſter all men of arms. In the 3 Hen. 6. he repreſented the county of Weſtmorland in parliament; and appears to have been living in the 22 Hen. 6. He had iſſue two ſons, *Edward* and *Roger*, and a daughter *Elizabeth* married to Sir Richard Muſgrave of Hartley caſtle knight.

XI. Sir EDWARD BETHAM knight, ſon and heir of the laſt Sir Thomas, married Joan daughter of William Nevil lord Faulconberg and earl of Kent, but had no iſſue. Whereupon the eſtate devolved upon his brother *Roger*.

XII. Roger de Betham, brother and heir of Edward, had an only child Anne, who in the reign of king Ric. 3. was married te Sir Robert Middleton of Leighton, ſon of Sir *Geoffrey Middleton* a younger ſon of *John Middleton* of Middleton hall eſquire, and thereby brought a great addition of fortune into the Middleton family of Leighton. The ſaid Sir Robert Middleton, by his ſaid wife Anne the heireſs of Betham, had iſſue a ſon, viz.

XIII. Thomas Middleton of Leighton eſquire, who married Johan daughter of Sir Thomas Strickland knight; and, dying in the 8 Hen. 8. left iſſue,

XIV. Gervase Middleton eſquire, who married a daughter of Kirkham of Northamptonſhire; and died in the 1 Ed. 6. leaving iſſue by his ſaid wife,

XV. George Middleton eſquire; who married Margaret daughter of Sir Chriſtopher Metcalf, and by her had iſſue,

XVI. Thomas Middleton eſquire; who married Katharine daughter of Sir Richard Houghton of Houghton Tower, and by her had iſſue,

XVII. Sir George Middleton of Leighton, baronet; which dignity he obtained for his ſervices to king Charles the firſt. He was a great ſufferer in the royal cauſe, having been ſubjected to ſequeſtrations and ſevere compoſitions. He married Frances daughter and heir of Richard Rigg of Little Strickland eſquire, and by her had iſſue Mary and Katharine. And theſe two cauſes ſeem to have effected the diſmembring of the eſtate, namely, the impoveriſhment of the family by ſequeſtrations, and the ſucceſſion of coheireſſes. And about this time the manor of Betham came into the Derby family.

Mary, the elder daughter of Sir George Middleton, was married to Somerford Oldfield eſquire of the county of Cheſter, who had iſſue George Middleton Oldfield eſquire, who came to live at Leighton, and left two daughters coheirs; the elder was married to Albert Hodgson eſquire, and the younger to one of the Fletchers of Hutton hall in Cumberland, and died without iſſue. The ſaid *Albert Hodgſon* engaged in the rebellion in 1715, and his eſtate was confiſcated.—What became of Katharine, the other daughter of Sir *George Middleton* we have not found.

What were the arms of Betham is not certainly agreed. Mr. Weſt (whoſe knowledge in matters of that kind is unqueſtionable), in his Antiquities of Furneſs abbey, ſays, that the arms of Betham were; Argent, a chief dancette Sable. In the heralds office, the arms of Betham are; Or, three flower de lys Argent: And theſe latter were depicted in a window of the gallery

gallery of the old Hall at Leighton, expreſsly by the name of Betham †. And yet on the monument in Betham church, whereon are the effigies of a man and woman cut in ſtone, which undoubtedly hath been erected in memory of ſome of the Betham family, amongſt the ſeveral eſcutcheons found there, the flower de lys do not appear. Our account of this monument, which we gave in the body of the work, was copied from Mr. Machel's manuſcript, who though he perſonally viſited the ſeveral places, yet here he had not the opportunity of a thorough examination. For by the floor of the chancel having been raiſed about a foot and an half above the level of the body of the church, the monument was half buried. The preſent worthy vicar hath had the curioſity to examine it to the bottom, and the arms thereon appear as follows (beginning at the head of the man on the ſouth ſide, and ſo going eaſtward). 1. A raguled croſs. 2. Six annulets, three, two, and one. 3. Eſcalops, two and one. 4. A ſaltier ingrailed. 5. On the north ſide, at the foot of the woman; A chief indented, or otherwiſe a chief dancette, but it doth not evidently appear which of the two. 6. A lion's head guardant. 7. A croſs lozengeed. Under the head of the lady, there is a vacancy large enough for another coat, but there is none, nor doth it appear that any hath been defaced. Now here are neither the flower de lys, nor the chief dancette (unleſs the coat at No. 5 be ſo; which is at leaſt doubtful). Nor have we found to whom the firſt coat, under the head of the man, did belong. The ſecond is *Muſgrave*. The third, *Strickland*. The fourth, *Middleton*. The fifth, moſt probably *Burton*, whoſe coat was a chief indented. The ſixth, *Fitz-Roger*. And the ſeventh, *Croft*. If we could ſuppoſe that the vacancy beneath the head of the lady was left for the flower de lys or other arms of Betham to be engraved afterwards, and that the bearing at No. 1 was aſſumed by the Middletons of Leighton to diſtinguiſh them from the other branch of the family at Middleton hall (a thing not without example), all the reſt might eaſily be accounted for. It is clearly not the monument of the laſt Sir Thomas Betham and his lady (as is commonly ſuppoſed), but is more modern, and ſeems to have been put up by Thomas Middleton of Leighton eſquire, in memory of his father Sir Robert Middleton, and his mother Anne heireſs of the family of Betham.—They were connected with the *Muſgraves*, by a daughter of Sir Thomas Betham.—This Thomas Middleton's wife was a daughter of *Strickland*.—*Middleton*, on our ſuppoſition of the arms being changed, may repreſent the ancient ſtock at Middleton hall.—*Burton*, by marriage of the heireſs there, was a quartering

† The arms painted in glaſs in the ſaid gallery, evidently in Sir Geoffrey Middleton's time, are theſe; 1. *Middleton:* Argent, a ſultier ingrailed Sable. 2. *Croft:* Lozengee, Argent and Sable. 3. *Coigners:* Argent, a manch Or. 4. *Yealand:* Argent, three ravens heads erazed proper. 5. *Auranches:* Argent, a croſs Gules. (Theſe three laſt were quarterings of Croft, whoſe heireſs Sir Geoffrey Middleton married. The following were quartering of Betham.) 6. *Betham:* Or, three flower de lys Argent; placed in the ſame manner as the arms of France. 7. *Burton:* Or, a chief indented Azure. 8. *Fitz-Roger:* Argent, a lion rampant guardant Or, armed and langued Gules. 9. *Baniſter:* Argent, three cheverons Gules. (Which laſt was a quartering of Fitz-Roger, who married the heireſs of Dunſtan Baniſter.)

of

of Betham.—*Croft* was a quartering of Middleton, from Alliſon Croft one of the two coheirs of James Croft of Dalton eſquire, and grandmother of this ſame Thomas Middleton.

Page 237. *Burton.*

The manor of Burton, about the time of king Edward the ſecond, came to the family of Betham, by marriage of Sir Thomas de Betham with Parnel daughter of Sir Robert de Burton and ſole heir of her brother Anthony de Burton who died without iſſue; and by marriage of the heireſs of Betham, it came to the Middletons of Leighton; and by a coheireſs of that houſe, to the Oldfields of Cheſhire; who ſold to Thomas Beniſon of Hornby eſquire; whoſe daughter and heir was married to John Fenwick eſquire; whoſe brother and heir Thomas Fenwick eſquire ſold the ſame to Thomas Pearſon eſquire the preſent proprietor.

END OF THE FIRST VOLUME.

ERRATA.

VOL. I.

Page	8	line 11. for *perſonality*, read perſonalty.
	52	— 32. for *charge*, read change.
	143	— 6, 7. for *Undermilbeck*, read Applethwaite.
	157	— 15, for *march*, r. manch.
	179	— 2. for *Berkthwaite*, r. Birthwaite.
		23. for *Fulbarrow*, r. Falbarrow.
	184	— 32. dele *de*.
	258	— 35. for 1621, r. 1691.
	260	— 19. for *to*, r. by.
	311	— 14. for Ed. 5. r. Ed. 3.
	381	— line penult. for *caringe*, r. cariage.
	391	— 14. r. and no farther.
	473	— 1. r. or one penny.
	490	— 3. for 1678, r 1658.
	518	— 26. after *Sceat beck*, add *as Sceat beck.*
	597	— 26. for *patri*, r. patriæ.

VOL. II.

	16	— 3. for *fewer*, r. ſewer.
	79	— 27. r. Thornton Eaſt, Weſtwood.
	300	— line penult. for *publiſhed*, r. re-publiſhed.

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